

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT
ENVIRONMENTAL FINDINGS STATEMENT
ISSUED BY
TOWN OF LAGRANGE PLANNING BOARD, LEAD AGENCY**

LAGRANGE TOWN CENTER PROJECT

BRH Land, LLC

c/o Rieger Homes, Inc., Applicant

Adopted: June 23, 2022, 2022

This Findings Statement is issued pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and its implementing regulations at 6 NYCRR Part 617 (collectively referred to herein as "SEQRA" or "SEQR").

Name of Action: LaGrange Town Center Project

Description of Action: Mixed-use project on 194 acres in the Freedom Plains center of the Town of LaGrange, with primary frontage on NYS Route 55, featuring two distinct neighborhoods reflecting the two Town Center zoning districts (the "Project" or the "Proposed Action"). The TC-B district on the northern portion of the site features commercial, retail, office, multifamily residential uses in several configurations including mixed-use buildings, and civic uses and civic spaces including a public central Town Green and Park Square. The TC-R district, on the southern portion of the site, features single-family and townhome residential uses. The two neighborhoods are connected with each other via a vehicular/pedestrian/bike crossing of the wetland that separates the two neighborhoods. Pedestrian activity between the two neighborhoods is encouraged by a network of sidewalks throughout both neighborhoods. The Project also includes a substantial open space element. More than 105 acres or fifty-four percent (54%) of the total 194-acre site will be protected as natural open space through the establishment of conservation easements. This open space is designed to protect sensitive wetland and habitat resources, and to preserve substantial views of open space from the existing roads in residential districts surrounding the site, as well as from within the site. An additional 13.7 acres, or seven percent (7%) of the site, will be maintained as landscaped open space within the area of disturbance. The Project includes a total of 608

residential units, 100,455 square feet ("sf") of commercial/retail, 56,855 sf of office space, and 17,600 sf of civic and recreation space.

Project Sponsor/Applicant: BRH Land, LLC c/o Rieger Homes, Inc.

Location: South of NYS Route 55, east of Lauer Road, and north of Todd Hill Road, in the Freedom Plains area of the Town of LaGrange, Dutchess County, New York.

Tax Parcels: Tax Map 133400, Section 6460, Lots 398951, 440956, 480927, 538899, 553816, 422782, 250688, and 494643. Total acreage of the Project site is 194 acres ("the Property" or "the site")

SEQRA Classification: Type I Action

Lead Agency: Town of LaGrange Planning Board

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FEIS Accepted : December 2, 2021

FEIS Filed with Notice of Completion: December 22, 2021

Lead Agency Adoption of this Statement of Environmental Findings: June 23, 2022

I. Project Summary

A. Zoning and Planning History:

In 1987, the Town of LaGrange adopted a Comprehensive Plan, with a primary goal of establishing the area along the south side of NYS Route 55 in Freedom Plains as the *Town Center*, the "*commercial hub of the Town, as well as providing for the diversity in housing which will be demanded by future residents of LaGrange.*" The 1987 Plan also proposed to direct and consolidate new commercial and residential development to the Town Center area, to avoid continued strip commercial development along Route 55, and arbitrary subdivisions along outlying rural roads. The Town chose the Freedom Plains area to be the "*Town Center*" because this area was located along an existing transportation corridor, near the Town Hall, schools, library, post office, churches, and businesses. In effect, this area

of Town was already the “town center,” and the Town wanted its zoning to reinforce this centrality, and channel future development to avoid sprawl in outlying areas.

In the early 2000s, the Town undertook a Comprehensive Plan update which included consideration of proposed zoning amendments and discussion of a conceptual development plan for the Town Center. These initiatives were evaluated in a Draft and Final Generic Environmental Impact Statement (“GEIS”), which resulted in the adoption of SEQRA¹ Findings in 2003. The Town Board subsequently adopted its updated Comprehensive Plan on July 13, 2005, and implemented the Plan shortly thereafter by adopting zoning amendments creating the Town Center-Business (TC-B) and Town Center-Residential (TC-R) zoning districts. The Town Center Project is located entirely within those zoning districts.

B. Description of the Proposed Action

PLAN COMPONENTS AND LAYOUT

Overall, the proposed plan shows a mixed-use development consisting of 608 residential units of varying types, approximately 56,855 sf of office space, approximately 17,600 sf civic and active and passive recreation space, and approximately 100,455 sf of restaurant, retail, and commercial space. The proposed plan protects approximately 105 acres as natural open space. The Town Center Project has been designed to limit disturbance of protected habitats to the maximum extent practicable, while still achieving the goals of the Comprehensive Plan and meeting the housing and retail needs of the area. The Project will result in an overall disturbance area of approximately 95.5 acres. Approximately 45.3 acres of impervious surfaces will be added to the site in the form of roads, sidewalks, and buildings, and the remainder of the cleared areas will be revegetated. In post-construction, approximately 118.8 acres of open space are proposed, of which 105.27² acres (54% of site) will be protected in conservation easements as natural open space and 13.7 acres (7% of site) will be maintained as landscaped open space within the area of disturbance.

The layout of the Project reflects the regulations and standards of the two Town Center zoning districts: TC-B in the north and TC-R in the south, and the protection of natural resources and species habitats pursuant to NYSDEC and Town regulations and Project reviews. The portion of the development within the TC-B district contains compact, pedestrian-friendly, mixed-use civic, commercial, office, residential, recreation, and public community open space uses which is surrounded by protected natural open space. Residential uses in the TC-B district include multifamily dwellings in several configurations including: single-use, mixed-use residential, and townhome styles.

¹ These Findings use the acronym “SEQRA” as an abbreviation for the New York State Environmental Quality Review Act and its implementing regulations. The more abbreviated acronym “SEQR” may occasionally be found in earlier documents.

² Area based on current plans in FEIS and application submitted to the NYSDEC. Final protected area may change slightly based on the NYSDEC permit conditions.

An active recreation facility with a clubhouse is provided in the TC-B for private use by residents of the TC-B District. Public community open space in the TC-B includes the Town Green and Park Square, and the Beekman Patent wall reconstruction. The TC-B portion of the site has substantial frontage on NYS Route 55 with two points of access, one at the center roundabout on Route 55 and another at the roundabout at the intersection of Freedom Road and Route 55.

Development within the TC-R district consists of compact, pedestrian-friendly residential neighborhoods that feature a variety of housing types: primarily small-lot single-family detached homes and townhomes. These residences will provide a variety of housing types not currently widely available in the Town. An active recreation facility with a clubhouse is provided in the TC-R district for private use by residents in the that district. The TC-R portion of the Property has several proposed points of access on Lauer Road and on Todd Hill Road. These neighborhoods also have internal site access into the TC-B portion of the Project, which, in turn, provides access to NYS Route 55.

The proposed road system is designed with a hierarchy of road types that will comply with the Town Center road standards and will provide for fire and emergency access throughout the Project. Both private and public roadways are proposed on the site. The primary roads in the Project will be offered for dedication to the Town of LaGrange (identified as Roads A, C and D on FEIS plan). The public roadways will accommodate school buses and provide for fire and emergency access as required by the Town Code. The Applicant has discussed the proposed roadways with various Town staff including the Building & Fire Inspector, Highway Superintendent, Consulting Engineer, and Public Works Administrator, along with LaGrange Fire District representative(s) at 3 different meetings in 2021. The concerns of the LaGrange Fire District regarding road specifications within the Town Center which include rear lanes behind buildings, road widths, locations of sidewalks, locations for mountable curbs, hardscape locations, and all aspects relating to circulation, have been discussed. Standards were modified to be acceptable to all parties and the standards shown on the plans accompanying the FEIS which were submitted to the Planning Board represent the consensus reached by all parties involved at those meetings.

To accomplish the Town's goal of a pedestrian-oriented lifestyle for new residents and a walkable town center for all that minimizes auto travel to the extent practicable, sidewalks are proposed. There is a continuous sidewalk system throughout the TC-B district. Sidewalks are provided along at least one side of the primary roadways and residential access streets in the TC-R district, which provides pedestrian circulation throughout the Project.

Parking throughout the TC-B District is generally located either on-street, in parking lots behind commercial buildings, or in private residential garages. Public roadways within the Town Center Project will be subject to Town Board regulation of seasonal (winter) overnight parking limitations on such roads.

The primary public roadway connects the mixed-use/commercial (northern) and residential (southern) portions of the site. A vehicular connection between the two portions of the Property is essential to provide for emergency access and a link between the residential and commercial elements of Town Center Project, which should help avoid unnecessary trips outside the site. The two road crossings of the NYSDEC-regulated wetland, which is located in the center of the site, are designed to minimize potential wetland impacts while still supporting the necessary internal circulation through the Property. The proposed roads are designed to cross two fingers of the same wetland, each with a clear span arch culvert, to avoid wetland impacts. The only area of wetland impact proposed is a temporary impact for a utility installation in Road C, where the wetland will be restored in kind and in place. Wetlands and traffic are discussed in sections III.E and III.I of this Findings Statement.

All approvals and determinations for The Proposed Action are listed in Section D below.

MAINTENANCE OF PRIVATELY OWNED COMMON ELEMENTS:

Property maintenance for the common elements of the Property not dedicated to the Town will be undertaken by associations of the property owners in the respective districts. One or more Property Owners Associations (“POAs”) will be formed in the TC-B district portion of the Project with responsibilities for maintenance of private roadways, snow removal from private roadways and private parking lots, and maintenance of private amenities such as landscaped areas and tenant recreation facilities located within the TC-B district. One or more Homeowner’s Associations (HOAs) will be formed within the TC-R district portion of the Project, with responsibilities for maintenance and snow removal from private roadways, as well as common landscaped areas and amenities located within the TC-R district.

Other common elements in the Project will be maintained through formation of Special Districts for storm drainage, lighting, and snow clearing along public and private sidewalks within the TC-B and TC-R districts. Costs in such Special Districts are paid by property owners within the Special District.

The maintenance of stormwater facilities will be provided by the commercial site property owners through one or more POAs, by the residential lots (TC-R) through one or more HOAs, or through a municipal stormwater maintenance district. The entity providing ongoing operation and maintenance will be identified for each phase of the site prior to Preliminary Subdivision approval or Site Plan approval of that section phase.

DEDICATIONS TO ASSURE PROTECTION OF CERTAIN PROJECT ELEMENTS:

The Town Green and Park Square community open spaces in the TC-B district are proposed to be dedicated to the Town, since these two areas are proposed for public use.

Conservation easements will be granted to the Town to protect the natural open space on site. Approximately 118.8 acres of open space are proposed in the Project, of which 105.27³ acres (54% of site) are classified as natural open space, and will be protected in conservation easements granted to the Town. The remainder (13.7 acres, or 7% of the site) will be maintained as landscaped open space within the area of disturbance. The natural open space is an important aspect of the Project for wetland and habitat conservation, and is a primary mitigation measure identified by the NYSDEC as a condition of its permit issuance.

PROJECT BUILDOUT PERIOD:

Due to the size of the Project, development is expected to continue over an extended period which is estimated at the present to be approximately 10 years from commencement of construction. This time estimate does not account for unusual factors such as supply chain difficulties or pandemic-related delays, should they continue into the future. Development will take place through a number of development phases, each requiring Site Plan and/or Subdivision approval by the Planning Board. The Planning Board will oversee the implementation of these SEQRA Findings during these Site Plan/Subdivision reviews, to assure that the mitigation measures identified in these Findings are implemented at the appropriate time.

C. Application History

As described previously, this application by the Property owner is the implementation of a process begun by the Town as part of its Comprehensive Plan for a Town Center in this location. In June 2006, the Applicant's predecessors in interest⁴ submitted a Site Plan application for a Town Center mixed-use development on the Property, and a request to commence environmental review. The application history from that point forward is summarized below:

June 2006:	Applicant submitted Site Plan application and Environmental Assessment Form for the Project, consisting of a mixed-use development with 623 residential housing units of varying types, and a mix of commercial, office, and other non-residential uses.
June 30, 2006:	LaGrange Planning Board authorized the circulation of a notice of intent to serve as Lead Agency, to which no objections were received.
August 24, 2006:	LaGrange Planning Board, as Lead Agency, issued a Positive Declaration, requiring preparation of a Draft Environmental Impact Statement ("DEIS").

³ As noted in footnote 1, this area is based on the current plans in the FEIS and the application submitted to the NYSDEC. The final protected area may change slightly based on the NYSDEC permit conditions.

⁴ The 2006 application was filed by Ginsburg Development Companies, LLC and Rieger Homes, Inc. BRH Land, LLC, the present Applicant, is an affiliate of Rieger Homes, Inc.

September 28, 2006:	LaGrange Planning Board held public scoping session on DEIS.
October 26, 2006:	Planning Board adopted final scope for DEIS.
August 2007:	Applicant submitted draft DEIS for review.
May 28, 2009:	After being revised several times in response to Planning Board comments, the Planning Board accepted the DEIS as complete for public distribution and circulation.
July 9, 2009:	Planning Board held a public hearing on the DEIS. The hearing was closed, with a public comment period continuing until August 18, 2009.
August 18, 2009:	NYSDEC Region 3 submitted an extensive comment letter raising numerous environmental/species concerns.
August 18, 2009:	The written comment period on DEIS was closed.
2009-2020:	Applicant worked extensively with NYSDEC and the US Fish and Wildlife Service ("USFWS") regarding agency concerns relating to endangered species and regulated wetlands. Various mitigation strategies were explored and discussed. Plans for implementation were developed.
Oct. 2020- Jan 2021:	Applicant representatives held preliminary meetings with Town staff and planning officials relating to plan layout incorporating additional resource protection measures in response to NYSDEC and USFWS concerns, and appropriate steps to move forward with SEQRA review.
February 4, 2021:	Planning Board held a public meeting. Applicant representatives, including the Applicant's biological consultant, summarized discussions with NYSDEC and USFWS and the new resource protection measures that have been incorporated into the Project. Planning Board members provided comments on the current plan and discussed steps for further review. The Board and its counsel discussed applicable provisions relating to a supplemental environmental impact statements and final environmental impact statement.
April 21, 2021:	Applicant's engineers and planners held technical meetings with various Town departments/representatives concerning stormwater, internal road network, water and sewer capacity and systems, fire code classification of buildings, and other matters.
June 16, 2021:	Applicant submitted a preliminary draft of the FEIS ("pFEIS") to the Planning Board.
July 6, 2021:	Applicant attended a technical meeting with Town Highway Superintendent, Town departments, and LaGrange Fire District

representatives to discuss road design, pedestrian circulation, fire and emergency access to buildings, landscape and tree placement in relation to sidewalks and streets, and other design issues.

August, September,
 October, November 2021: Planning Board conducted monthly public work sessions to review the pFEIS. The Board reviewed the pFEIS, and provided comments/edits to Applicant. Applicant prepared and submitted revised sections of the pFEIS to address comments.

December 2, 2021: After reviewing several revised versions of the FEIS, the Planning Board passed a Resolution accepting the FEIS (which incorporated the DEIS by reference) for filing, and determining that no supplemental environmental impact statement was required under applicable standards since none of the changes created any significant adverse impacts that were not addressed, or were inadequately addressed, in the DEIS.

December 22, 2021: The accepted FEIS and Notice of Completion were duly filed and circulated to agencies and posted to Town website. Notice of same was posted in the Environmental Notice Bulletin ("ENB").

D. Summary of Approvals

The following discretionary approvals will be required for the Town Center Project:

<u>Agency</u>	<u>Approval</u>
LaGrange Town Board	<ul style="list-style-type: none"> • Formation of Stormwater Management District • Expansion of Water and Sewer Districts • Formation of Sidewalk District • Formation/Expansion of appropriate Sewer Administrative Entity to operate on-site sewer collection • Formation/Expansion of appropriate Water Administrative Entity to operate on-site water distribution • Formation of Parking District • Formation of Lighting District • Conservation easement(s), Declarations, Covenants, and other transactional documents implementing findings
LaGrange Planning Board	<ul style="list-style-type: none"> • Site Plan Approval • Lot Consolidation/Subdivision Approvals • Potential Special Permit, if required for certain uses • Freshwater Wetlands, Watercourses and Waterbodies Permit (Chapter 124) • Stormwater Pollution Prevention Plan ("SWPPP")
LaGrange Zoning Board of Appeals	<ul style="list-style-type: none"> • Potential zoning interpretation or variance(s), if required

LaGrange Highway Department	<ul style="list-style-type: none"> • Curb cut permit
Dutchess County Department of Community and Behavioral Health	<ul style="list-style-type: none"> • Approval for sanitary sewer extension/connection • Approval for water extension/connection and on-site distribution and connection
New York State Department of Transportation ("NYSDOT")	<ul style="list-style-type: none"> • Highway Work Permits • Utility Work Permit
New York State Department of Environmental Conservation ("NYSDEC")	<ul style="list-style-type: none"> • Article 24 Freshwater Wetland Permit • Article 15, Title 5 – Protection of Waters Permit • State-Administered Section 401 Water Quality Certificate • Stormwater SPDES General Permit GP-02-01 • Article 11 Threatened & Endangered Species License
US Army Corps of Engineers ("USACE")	<ul style="list-style-type: none"> • Section 404 Nationwide General Permit #29 Authorization
US Fish & Wildlife Service	<ul style="list-style-type: none"> • Endangered Species Act Section 7 Formal Consultation (Indiana bat) with USACE (Federal Nexus agency).

In addition, the following agencies performed review functions as part of the review process:

- Town of LaGrange Conservation Advisory Council (Project Review)
- Dutchess County Planning Board (Site Plan Referral/Review)
- Dutchess County Agricultural and Farmland Protection Board (Site Plan Referral/Review)
- New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP") (Project Review)

E. Summary of Project Benefits

The Town Center Project contains an extensive area (54% of the site) of natural open space that will be protected through conservation easements granted to the Town of LaGrange. This aspect of the plan will protect and enhance USACE, NYSDEC and locally regulated wetlands, as well as wildlife habitat and native vegetation.

The Town's Findings Statement for the DGEIS on the Town Center Zoning Amendments and Comprehensive Plan Update (July 2003) had the following stated objectives for the Town Center, as described in the DEIS and FEIS, all of which will be implemented with the Proposed Action:

1. To establish a coordinated image for the Town Center.
2. To locate the buildings toward the sidewalk and street edge to encourage pedestrian activity along the street front and create visual continuity.
3. To promote a mix of commercial and residential uses in multi-story buildings.
4. To promote the prominent positioning of civic buildings and central green spaces to enhance community identity and public interaction.
5. To promote pedestrian activity through a safe and walkable environment.
6. To create narrow, tree-lined streets to slow traffic.

7. To minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
8. To create an interconnected street system for both pedestrian and vehicular traffic.
9. To encourage the development of both on-street parking and shared parking areas between nearby uses.
10. To provide multiple housing options.
11. To protect important natural and historic features.

The Town Center Project implements many of the Town's long-term land use goals for a town center in this area of LaGrange.

The Town Center Project will create an interconnected network of streets and sidewalks linking the entire community to encourage walking, reduce vehicle trips, and conserve energy.

The homes proposed at Town Center incorporate a wide range of housing types, sizes and price levels, including a variety of single-family, townhome, and multifamily dwelling unit types, addressing the need for rental and ownership units. Inclusion of rental units was a primary comment of the Dutchess County Planning Department in reviewing the DEIS, and is now a part of the proposal.

The commercial elements of the Town Center Project will enhance the Town's commercial tax base, which will be an economic benefit to the Town.

The Town Center Project will create an identifiable and functional public space at its center, including a Town Green that will serve the entire Town population, and enhance community identity.

The Town Center Project incorporates reconstruction of a portion of the Beekman Patent Wall within the Project, which was identified as an important historic feature.

F. Project Refinements based on Agency and Public Comments and Other Considerations

As part of the environmental review, and in response to agency comments, certain refinements and modifications have been incorporated in the Project, which includes:

- The FEIS plan includes newly delineated wildlife corridors, turtle nesting areas, turtle curbs and other specific mitigation measures to protect habitats and species in response to extensive comment from the NYSDEC and USFWS. These are discussed in sections III.D and III.E.
- The stormwater management areas in the FEIS plan have been updated and modified to comply with the current the NYSDEC stormwater regulations, and to respond to comments from permitting agencies. Stormwater is discussed in section III.F.

- The formerly proposed walking trails in regulated adjacent areas were removed from the FEIS plan to more effectively protect NYSDEC wetlands, in response to concerns by the NYSDEC. An integrated sidewalk system throughout the site remains as part of the plan.
- The hotel/with restaurant, initially included in the DEIS plan, is no longer proposed in the FEIS plan. This use is not economically viable in current post-COVID market conditions.
- The FEIS plan proposes one additional clubhouse/recreational area, so that there is one recreational area in the TC-B and one in the TC-R.
- The FEIS plan includes a wider variety of housing types incorporating new types of housing including multifamily units in a variety of building types on the FEIS plan (rental apartments, townhomes, and multifamily units). Multifamily buildings in TC-B have become generally larger due to various anticipated market and economic factors.
- There is approximately 5,923 sf less retail/commercial space on the FEIS plan, as a result of general changes in the retail market.
- There is approximately 25,722 sf more office space on the FEIS plan, as a result of general changes in the office market.
- The FEIS plan shows approximately 28,832 sf less civic space than the DEIS plan, because the only confirmed civic use tenant at this point is the LaGrange Association Library which occupies 8,600 sf of space in an existing building on site.⁵ The Applicant continues to invite discussions with potential additional civic user tenants for the TC-B portion of the site.

During the environmental review of the Project, certain conditions relating to the Project changed, primarily concerning the construction of planned roadway improvements on NYS Route 55 in the vicinity of the Project:

- At the time of the DEIS public hearing, the NYSDOT was considering several possible alternatives to improve traffic along the Route 55 corridor, one of which was the installation of a series of roundabouts, and the public hearing included public comment on that possibility. Since the public hearing, the roundabouts have been constructed.
- Several other public improvements have been implemented along the local road system which include:
 - The realignment of Stringham Road to align with the roundabout at the high school driveway. This improvement was completed under the NYSDOT contract.
 - A traffic signal has been installed at the intersection of NYS Route 55 and Titusville Road.
 - On Freedom Road (CR 47), striping improvements have been installed at the following intersections: Lauer Road, Cramer Road and Dr. Fink Road.

⁵ It is noted that as of January 2022 (after publishing of the FEIS), the Library now occupies 12,262 SF of space in the building on site.

- The intersection of Titusville Road and Noxon Road has been widened and reconstructed, with a full traffic signal replacement.
- On Lauer Road, Todd Hill Road, and Bushwick Road, new striping has been installed to better control traffic movements.

G. Determination that a Supplemental EIS is not required

The Planning Board considered the potential impact of the above plan changes over the course of a number of meetings, including a public discussion at the February 4, 2021, and subsequent meetings throughout the summer and fall (2021). Consideration was given to both the changes within the Project, and in the Project circumstances since the original analysis and assessed potential impacts as to traffic, fiscal, community services, community character, and other relevant areas of environmental concern. In its analysis, the Planning Board had the benefit of the review and evaluation of the revised Project and Project circumstances by its own engineering, planning, and legal consultants.

The Planning Board concluded that the changes and refinements in the plan presented in the FEIS, including changes in the proposed mix of uses and building layout, were within the range of changes which could reasonably be expected in a large mixed-use project going through a multi-year planning process, and also were within the range of changes anticipated as possibilities in the DEIS. None of the changes affected the overall character of the Project. None of the changes created the potential for a significant adverse impact not previously evaluated and adequately considered in the DEIS. The changes increase protection of natural resources. Similarly, the Board concluded that there was no change in circumstances relating to the Project that created a potentially significant adverse impact not previously considered, or inadequately considered, in the DEIS. The Planning Board therefore determined that a supplemental EIS was not required. The analysis of the individual impact areas is included in the FEIS text and summarized in this Findings Statement.

H. Planning Board's continuing role during Site Plan and Subdivision review

Due to the size of the Project, development is expected to continue over an extended period and estimated at the present to be approximately 10 years. Development will take place in phases through a number of Site Plan and/or Subdivision proposals, each approved by the Planning Board, as the Project is developed. The Planning Board will oversee the implementation of these SEQRA Findings during these reviews and will assure that the mitigation measures identified in these Findings are implemented at the appropriate time.

The controlling structural features of the Project have been set during this SEQRA review. These features, including limits of disturbance, protected areas, primary road system, and open space system, are not anticipated to change during the buildout period. Details of residential unit designs, floor plans, unit mix, ownership structure, and non-residential use mix may change based on market conditions, technological advances, and other relevant factors. This was discussed in the EIS, but any

such changes will require review and approval by the Planning Board including review for consistency with this Findings Statement.

Since such changes likely will be within the parameters of the impacts analyzed in the current EIS process, it is not anticipated that further supplemental environmental review of such changes would be required. Nonetheless, the Planning Board is vested with the authority to review proposed Site Plans and Subdivision Plats and will in each case confirm the congruence of the then-proposed development with these SEQRA Findings and the SEQRA review upon which the Findings are based.

II. Determinations and Findings

This Findings Statement confirms that the LaGrange Planning Board, as Lead Agency, has complied with all of the applicable procedural requirements of Part 617 and has given due consideration to the DEIS, FEIS, and information derived from the public hearing and comments received during the course of the environmental review process (collectively referred to as “the Environmental Record”) in reviewing this action. These Findings also confirm that the Lead Agency has given due consideration to the comments and letters received from the involved and interested agencies with substantive comments on the DEIS.

Pursuant to the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations found at 6 NYCRR Part 617, the Town of LaGrange Planning Board makes the following findings:

The DEIS and FEIS identified and evaluated potential adverse environmental impacts of the Proposed Action and measures to avoid or minimize the potential impacts to the maximum extent practicable. The Lead Agency has considered the potential environmental impacts of the Proposed Action, the measures that have been incorporated as integral elements of the Proposed Action that limit potential impacts, and mitigation measures identified in the environmental impact statement, as summarized below, in making findings of fact and conclusions regarding the Proposed Action.

A. Land Use, Zoning and Public Policy

The DEIS considered potential impacts with respect to land use, zoning and public policy, and the Planning Board considered comments received on the DEIS regarding these topics, and further considered them in the FEIS, as described below.

Land Use

The project site is within relatively close proximity to the LaGrange Town Hall; the Town Highway garage; US Post Office; Arlington High School complex; a supermarket; numerous banks, offices, and restaurants; commercial and retail establishments; and several churches and other places of public assembly. These existing land uses formed a substantial part of the planning basis for enacting the

Town Center zoning, for the purposes of attracting further development to this area to enhance and strengthen the existing center of the Town, and thereby avoid sprawl along the highways and local roads.

The Town Center Property contains two existing structures along Route 55. The two existing buildings, parking, and associated infrastructure located on the northeast side of the site, containing retail, office, restaurant, and civic space (the LaGrange Association Library) are proposed to remain as part of the Project. The Proposed Action would add new residential, commercial, office, restaurant, retail, entertainment, and recreation uses along with supporting elements, including roads, parking, sidewalks, and water, sewer and other required infrastructure.

Approximately 46 acres of the site is presently being farmed. The farmed area will be partially converted to town center uses, and partially be placed in a conservation easement related to adjacent wetland area and sensitive habitat. Farming activities on the site will cease as the site is developed. With implementation and construction of the Town Center Project, the site will change from containing two large and four small office buildings, vacant land, and farm operations to a mixed-use town center development with a broader range of land uses including retail, commercial, office, civic uses, residential, open space and recreation. The broad land use and community character impacts of these changes were considered by the Town in a generic environmental impact statement ("GEIS") for the Town Center Proposed Zoning prepared in 2003. The Findings Statement for the DGEIS on the Town Center Zoning Amendments and Comprehensive Plan Update included objectives for the Town Center; all of which are accomplished by the Project. (These were listed previously in section E. Project Benefits).

The addition of a variety of housing types in the residential development on the site is expected to increase housing accessibility, affordability, and diversity of residents. The commercial and residential elements of the Town Center Project will provide an economic benefit to the town in addition to other community benefits of the Project: outdoor civic space, protected open space, and walkability. (See section III.J.) In the current economic environment, the Town supports the flexibility and variety of spaces in a central location where people can work and live in a walkable community, including new commercial spaces in the Town Center (TC-B). Providing flexible space that can be utilized by many types of businesses creates a more sustainable, economically resilient, and adaptable Town, allowing the area to respond to unforeseen changes in economy and market trends. The goal of the flexible space is to appeal to a wide variety of potential tenants over time, as economic and social climates change.

Zoning

The Town Center Business district (TC-B) at the north end of the site and Town Center Residential (TC-R) district at the southern end of the site have been created and mapped to foster development of the Project area as a mixed-use center for the Town, built in accordance with the stated purpose,

design principles, bulk requirements, coverage limitations, and design standards of the two Town Center zoning districts.

All of the proposed residential uses are consistent with traditional neighborhood design principles in the Town Center zoning districts, as well as guidelines for maximizing energy efficiency and limiting unnecessary vehicular travel. The proposed commercial uses in the TC-B are designed to comply with the stated design principles including objectives of traditional main street design and promoting a mix of commercial and residential uses in multistory buildings.

The proposed street and sidewalk design has been reviewed extensively by the Town's engineering consultant, Town public works department, Town Highway Superintendent, and other Town staff, as well as LaGrange Fire District representatives. The roads and sidewalks have been designed to balance considerations of public safety and emergency access; economic costs to the Town, and efficiency for the Highway Superintendent in managing the public roadways within the site; efficiency in limiting widths of pavement as much as practical; and design considerations within the public and private realms of a walkable community. The circulation system of the proposed development described in the FEIS has been designed based on the street hierarchy system of the following: Commercial Town Street, Commercial Angled Parking Street, Residential Collector Street, Residential Access Street, Residential Rear Lane, and Residential Green Lane.

Using the parking ratios provided in the Town Code, the required parking for the proposed development program on the FEIS plan in TC-B district is 1,108 spaces. The Plan provides a total of 997 spaces, 111 fewer than required. Parking requirements in the TC-R district are met by the Project. A total of 1,046 spaces are provided in the TC-R area (including garage, tandem and on street spaces), which is a surplus of 308 spaces. During FEIS review, the Planning Board discussed seeking both shared parking arrangements and a potential land bank of parking for the TC-B portion of the site which will be considered at the Site Plan review stage and dependent upon the proposed uses. Given that retail in the Town Center is limited to storefront users and restaurants, a need for large loading docks is not anticipated. Loading areas behind the mixed-use buildings will allow delivery and service vehicles to access the buildings without interfering with road traffic.

The Planning Board will continue to review the more detailed design elements of the Project layout, architecture, and landscaping, as part of Site Plan and Subdivision review. This exercise of the Board's customary review authority is not anticipated to create any significant adverse impacts on zoning.

Public Policy

The Town Center is a concept that has grown from the Town of LaGrange's 1966, 1987, and 2005 Comprehensive Plans which called for a town center as the "heart of the community" to be located on Route 55 in Freedom Plains. The Proposed Action is consistent with the Town's Comprehensive Plan goals and objectives for this site. The Proposed Action also provides substantial amounts of open

space within the plan and assures its protection and maintenance in the future. The Town Center Project has been designed to protect wetlands and wildlife habitats on the site to the maximum extent practicable while still achieving the economic and social needs identified in the Town's Comprehensive Plan, which include: meeting the housing and retail needs of the area, attracting development to this area of the Town where civic uses already exist, maximizing connectivity and pedestrian walkability, and avoiding additional sprawl along suburban and rural highways in Town.

The Proposed Action is also consistent with the Dutchess County Comprehensive Plan and the Hudson River Greenway ("Greenway Connections"). The proposed Town Center Plan complies with the applicable policies of the Dutchess County Comprehensive Plan and the Hudson River Greenway policies listed in "Greenway Connections." The Town Center development is consistent with the Greenway Guide in that the Project encourages the strengthening of centers through development in priority growth areas, of which the Town Center is one. It is consistent with the creation of walkable communities, building in context, and providing transportation improvements that discourage congestion and encourage circulation. In this way, the plan fits into LaGrange's commitment to the Hudson River Greenway concepts. The proposed Town Center Project is generally consistent with area land uses and with the policies and planning principles of the town, county, and state.

As described in the DEIS, it is noted that the potential impacts of the Town Center were anticipated and the potential generic impacts of such changes were analyzed by the Town in its GEIS. That document identified generic impacts that resulted in an understanding of the need to upgrade infrastructure including water and sewer systems and the need to increase the traffic capacity and improve circulation along NYS Route 55. After the GEIS, zoning was changed and mapped, and the Town proactively engaged in long-term planning for area-wide needs relating to an expansion of the sewer and water systems. The NYSDOT designed and implemented improvements on NYS Route 55 that addressed traffic capacity and circulation. The generic issues of growth at the Town Center and expansion of sewer services were considered by the Town in the GEIS prepared for the Titusville Sewer District WWMP.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, including the protective measures set forth herein, which include providing a greater array of housing types within the Project, and refinements in the street/sidewalk curb layout to address and balance concerns of the Highway Superintendent, LaGrange Fire District, and LaGrange Water and Sewer Departments, is consistent with the goals and objectives of the LaGrange Comprehensive Plan and with the Town Center zoning districts, and will not result in significant adverse impacts relative to land use, zoning or public policy.

B. Visual Resources and Community Character

The DEIS considered potential impacts with respect to visual impacts and community character, including views, architectural character, and site lighting. The Planning Board considered comments received on the DEIS regarding visual impacts, and further considered them in the FEIS, as described below.

Views

Visual impact, based on a change of views into the site with the proposed development, was analyzed in the DEIS and the FEIS. Surrounding the site, the roads to the south (Todd Hill Road), the west (Lauer Road) and the east (Stringham Road) consist primarily of vacant lands or single-family residential development. The Route 55 site frontage consists primarily of existing commercial buildings and parking areas. The DEIS contains an inventory of site photographs of views into the site (in both “leaf on” and “leaf off” conditions).

Regarding the potential change to views into the site, the DEIS studied the change in the proposed views toward the site from public roadways. The visual appearance of portions of the east side of Lauer Road and portions of the north side of Todd Hill Road will change from views of rural residential and agricultural land to include views of portions of the Town Center Development, which will be located as shown on the development plans, with developed areas surrounded by areas of protected natural open space.

Portions of the new housing will be seen from the immediately adjacent public roadways of Lauer Road and Todd Hill Road. Illustrations of the “before and after” view of the corner of Lauer Road and Todd Hill Road along with two other locations, as well as four cross sections of proposed streets, and three computer-generated views of the proposed site, were included in the DEIS and reviewed by the Planning Board.

Views to the south side of the NYS Route 55 frontage will also change from a view of the existing commercial buildings to the new Town Center streetscape. This impact is expected to be a beneficial one. In accordance with the goals of the Comprehensive Plan and the Town Center zoning standards, the new buildings will be closer to the roadway, creating a walkable streetscape. The new parking will be in the rear of the buildings on the interior of the site in the TC-B. This is expected to enhance the aesthetic character of the Route 55 corridor.

To maximize compatibility of the land use elements and visual qualities of the neighborhoods, only single-family homes and townhomes have been proposed for the TC-R area of the Town Center Project. Multifamily housing has been limited to the TC-B zoning district. Moreover, the proposed plan will retain more than half of the overall site acreage as protected open space in conservation easements, which will maintain a sense of openness. A landscaped area is proposed within the open

space near the intersection of Lauer Road and Todd Hill Road. Within the areas of new housing in the TC-B district, substantial open space and new landscaping is proposed, including a Town Green and Park Square.

The proposed new residential and mixed-use development will also create attractive views from the surrounding neighborhoods, consistent with being located near the center of the Town. Any adverse visual impacts as viewed from the adjacent roads are mitigated by providing substantial open spaces that cover 54% of the overall site, new landscaping, and siting of development at a scale appropriate to the desired design intent of the Town's Comprehensive Plan and the Town Center zoning adopted for this site. Landscaping will be installed to re-vegetate and enhance the site, as well as to soften views of new buildings and roadways.

Undeveloped portions of the site will continue to exist along the north side of Todd Hill Road and, to a lesser extent, along Lauer Road between development areas, and at the corner of Todd Hill and Lauer Road intersection. Existing stone walls and trees along the Property lines will remain where possible in the undeveloped protected open space areas. These open areas will soften both near and more distant views into the Project site.

Architectural and Community Character

The Town Zoning Code contains overall design principles and design standards as well as architectural standards for the Town Center districts. The proposed architecture, materials and color of the proposed buildings are intended to be compatible with the existing character of the vicinity. These design standards and principles will be considered during Site Plan review by the Planning Board. An overarching objective for the Project is to create unifying themes in design and architecture to make the community cohesive, while still preserving the unique character of individual elements. During the Site Plan process, the following principal features contributing to the identity of buildings within the TC-B and TC-R will be considered: size, scale, massing, fenestration, rhythm, setback, materials, character, and context. Other design considerations include promoting street-level continuity of buildings/storefronts, providing mixed-use buildings with retail on the ground floor, avoidance of blank wall areas and uninterrupted rooflines, diversity of architectural design, keeping building entrances at narrow separations, providing architectural features on all sides of buildings visible to the public, utilizing low reflective colors for facades, and building colors that are complementary to neighboring buildings.

The proposed streets are pedestrian-oriented and the proposed buildings will be appropriately scaled, through a variety of means, for the pedestrian experience in conformance with Town Center objectives.

The FEIS plan proposes fewer buildings than the DEIS plan, and some of the multifamily buildings are larger than those proposed in the DEIS. The largest building in the DEIS plan, the hotel and restaurant,

has been removed from the FEIS plan. The larger multifamily buildings maximizes the number of units with access to elevators, thus increasing the number of units accessible to those who do not want nor are unable to climb stairs and therefore, targets a wider range of potential residents. The addition of these multifamily buildings will allow the Project to provide rental housing at varying price points, making the Project available to a broader group of potential residents. The larger buildings thus provide a social and economic community benefit of increased accessibility and greater range of housing types, responding to comments made on the DEIS.

Adverse visual and community character impacts are avoided and minimized by the following design considerations and mitigation measures:

- Placing the commercial uses along the existing commercial corridor of Route 55 (TC-B) and placing single-family residential uses in the southern area of the site (TC-R), closest to the surrounding residential areas.
- Preserving the large amount of open space on the Property to maintain a sense of openness throughout the site. Much of the site frontage along Lauer Road and Todd Hill Road is proposed to remain as protected open space.
- Proposed architecture, materials, and colors of the buildings are intended to be compatible with the existing character of the vicinity.

Site Lighting

Site lighting will be compatible with the overall community character as per the Town Center design principles. Specific details of street lighting will be reviewed during site plan review. To the maximum extent possible, the design of the site lighting will be consistent throughout the Project. The levels of proposed lighting will be designed to avoid adverse impacts of excessive lighting and light pollution relative to surrounding land uses, including rural residential backyards. Mitigation measures proposed to minimize potential adverse impacts from site lighting include:

- Site lighting fixtures will provide for the safety and accessibility of the outdoor spaces at night, but will be limited to the amount and intensity necessary for safety, security and to complement architectural character.
- Specifically related to protected open spaces, as part of the proposed wildlife mitigation measures, proposed outdoor lighting in the TC-B will be shielded or directed downward and will operate on a motion sensor/timer to minimize light pollution along forest edges.
- In the TC-R district, street lighting will be primarily in the form of ambient light from building fixtures, with street lights proposed only at road intersections and parking areas.
- Lighting which would spill onto surrounding properties will not be permitted. Lighting which is visible from adjacent properties or roads must be indirect or fully shielded.

- Site lighting fixtures will focus lighting downward and avoid excessive illumination of the upper residential stories of buildings or of the night sky.
- Site lighting will be pedestrian-scaled and architecturally compatible with lighting in the vicinity of the site.
- Service area lighting will be designed to avoid spillover onto adjacent areas.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective measures set forth herein, will not result in significant adverse impacts relative to visual conditions, including views into the Project from public roads, site lighting, or architectural and community character.

C. Soils, Topography, Slopes and Stone Walls

The DEIS considered impacts related to soils, topography, slopes and stone walls, including site grading, limits of disturbance, erosion and sediment control methods, and earthwork (cut and fill). The Planning Board also considered comments received on the DEIS regarding these topics and further considered them in the FEIS, as described below.

Soils on site were described in the DEIS, including the results of a site-specific investigation which included test pits and borings to identify groundwater, bedrock, and other subsurface characteristics. Site-specific investigations were undertaken to investigate pesticide concentrations in agricultural soils on the site. The laboratory data from that investigation concluded that no detected concentrations of organic pesticides are present in any former agricultural areas of the site, and that metal-based pesticides were not used at this site. Therefore, no potential impacts are anticipated due to contaminated soils.

Grading and earthwork will be required on the site to achieve the desired elevations for the proposed development, install utilities and infrastructure, and to manage stormwater. Site grading will involve movement of on-site soils, and it will therefore modify existing topography and slopes. Impacts to soils, topography and slopes are not anticipated to be significant, because the grading will include the mitigation measures described below, along with best practices for construction.

The FEIS plan indicates approximately 95.5 acres (49% of the site) of disturbance for construction of the Project. This disturbance is slightly less than the estimate in the DEIS due to plan refinements, but the limit of disturbance to the site is substantially the same as that indicated in the DEIS. All land disturbance is indicated outside the NYSDEC-regulated adjacent areas (except for permitted activities such as reforestation or enhancements required by the NYSDEC as mitigation, as described in Section E, Wetlands).

Disturbance of less than half of the soils on site is in itself a mitigation measure, as site disturbance is limited. In addition, although an overall disturbance area was estimated in the EIS for the impact

analysis, the Project is proposed to be constructed over an estimated 10-year time frame, thereby limiting the amount of soils, slopes and topography being disturbed at any one time. Clearing and subsequent grading will be completed in phases, which will limit the amount of clearing or grading being done at any given time.

All impacts relating to site disturbance will be further controlled by the phasing of the Project. Construction fencing will be installed, per phase, to define limits of clearing; and erosion and sediment control measures will collect silt during construction, per phase. Protective fencing also will be installed to control and protect Blanding's turtles by deterring them from entering the area of site disturbance.

Earthwork on site is proposed to be balanced, as indicated on the updated cut and fill diagram in the FEIS. The regrading of the site will be addressed with Best Management Practices ("BMPs"), erosion and sediment control measures, and revegetation; the details of which will be confirmed during the Site Plan approval process and required as conditions of any construction permits. A Soil Erosion and Sediment Control Plan is an integral part of the SWPPP, which includes monitoring requirements (see Section F, Stormwater). As described in the DEIS, groundwater control measures will be required in the event that water is encountered during site excavations, which will mitigate potential impacts to groundwater.

The proposed changes in topography, slopes, and soils are not anticipated to be significant. The site will be stabilized during construction, and erosion and sediment control measures will be implemented to mitigate potential impacts to topography, slope, and soils from erosion or sedimentation to the greatest extent practicable.

The Property contains areas of agricultural soils interspersed with lesser quality soils, including substantial areas regulated by the NYSDEC as wetlands and adjacent area. Only 46 acres of the site is presently farmed, and the sole crop is corn. The NYSDEC, in reviewing the natural resource and habitat issues on the site, indicated that farming activity is inconsistent with fostering populations of Blanding's turtles on the Property, and also has the potential to harm individual turtles. At the NYSDEC's request, and to protect endangered species habitat, farming activity on the site will cease as the successive phases of the Project are developed. The Property's location in the heart of the Town's long-planned primary "Town Center" zoning district, also is incongruent with farming land use. The Town Comprehensive Plan has concluded that the mixed-use Town Center is "a concept that has been part of the Town's comprehensive planning since the 1960's [*sic*]." The Comprehensive Plan recognizes the use of this specific site as the location for its new Town Center.

According to preliminary subsurface soil investigations presented in the DEIS, blasting may be required in several areas, since bedrock was encountered in the borings on the site (at elevations ranging from 2 feet to 19 feet below the surface). In the construction phase, other methods of rock removal will be investigated prior to blasting. If necessary, areas of potential blasting are anticipated

along the easterly side of Lauer Road, an area adjacent to and south of to NYS Route 55, on the knoll along the southeasterly portion of the Property, as well as a number of smaller areas at the southwesterly area of the site. Any blasting required will be conducted in accordance with all applicable local, state, and federal regulations, and will be implemented by a licensed blasting contractor in coordination with monitoring by the Town's agents. These conditions will be incorporated as conditions of any construction permits.

The far eastern portion of the Property overlies an unconfined overburden aquifer. The majority of the site development will occur outside of this aquifer; however, limited blasting (less than 1 acre in total) is proposed over this aquifer. Because the aquifer is unconfined, it consists of unconsolidated sediment that occurs above the underlying bedrock, and most likely consists of glacial sediment deposits such as gravel, sand, silt, etc. The blasting will occur on the underlying bedrock that either occurs in outcroppings or is near the surface with a minimum of overburden. As such, it is not anticipated that the proposed blasting will have a measurable impact upon the overburden aquifer because the plasticity of the unconsolidated sediment acts to dampen blast vibrations so they are reduced in magnitude and limited in extent.

The site contains dry-laid stone walls. The stone walls on the Property that are within the protected open spaces will remain intact. The longest segment of the Beekman Patent wall (approximately 680 feet) is proposed to remain in its original location within the northwest portion of the Property, and this portion is proposed to be reconstructed along a Project roadway. These measures will avoid, reduce, and mitigate potential adverse impacts to stone walls on site.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective measures set forth herein, will not result in significant adverse impacts relative to soils, topography, slopes, or stone walls, including site disturbance, earthwork, and any limited blasting required during construction.

D. Flora and Fauna

The DEIS considered potential impacts with respect to vegetation (flora) and wildlife (fauna) at the site, including potential impacts regarding rare, threatened or endangered species. The Planning Board considered comments received on the DEIS regarding vegetation and wildlife, with particular attention to comments from the NYSDEC, USFWS, and approving agencies, and further considered them in the FEIS.

Extensive discussions and consultations have taken place between the Applicant and the NYSDEC/USFWS, which have led to the Applicant's voluntary incorporation of substantial additional protective conservation and mitigation measures as integral aspects of the Proposed Action.

Vegetation (Flora)

The vegetation on site is characterized as a mix of deciduous forest upland, scrub-shrub upland, open field, agricultural land, deciduous forest wetland, scrub-shrub wetlands, wet meadow, emergent wetland and open water. Existing developed and landscaped areas comprise the areas surrounding the existing buildings and parking lots on site.

The Project will result in an overall disturbance area of approximately 95.5 acres of vegetation. Approximately 45.3 acres of impervious surfaces will be added and the remainder of the cleared areas will be revegetated. Post-construction, approximately 118.8 acres of open space are proposed, of which 105.27⁶ acres (54% of site) will be protected in conservation easements as natural open space and 13.7 acres (7% of site) will be maintained as landscaped open space within the area of disturbance. In addition to landscaped open spaces, two parks open to the public are proposed, as well as new street trees to be planted along the roadways in the TC-R and TC-B districts.

With regard to the Appalachian oak-hickory forest, an unlisted state ecological community identified in the vicinity of the site, since much of this area of the state contains woods with oak and hickory trees, no significant adverse impact to Appalachian oak-hickory forest is anticipated. With regard to the Swamp Cottonwood, a state threatened species identified in the vicinity, the deciduous forest wetlands on the site are dominated by red maple trees, and no swamp cottonwoods have been identified; therefore, no impact to that species is anticipated. The Applicant has designed the plan to avoid and minimize impacts to wetland resources, including but not limited to avoidance of construction in wetlands and regulated adjacent areas, with the exception of the road/utility wetland crossings for Property access which will conform to permit conditions of the NYSDEC. Other measures proposed as a result of discussions with the NYSDEC include reforestation (planting of 99 trees) of some wetland adjacent areas, and active management of some regulated wetland adjacent areas to enhance habitat for rare wildlife species. (See section III.E for further discussion of wetlands.)

Wildlife (Fauna)

Wildlife on site is typical of Dutchess County. According to the USFWS, part of this area is suitable habitat for the Indiana bat, a listed endangered species. Bog turtle, a threatened species, was indicated to be potentially present locally, but on-site surveys indicated that the site did not contain potential habitat to support this species. The site is within range of the Northern Long-eared Bat, a threatened species, but there are no known roost occurrences of the species on or adjacent to the site. The NYSDEC has occurrence records for Blanding's turtle, a state-listed threatened species, on the site. The Town of LaGrange is aware of the efforts of official and volunteer researchers who monitor Blanding's turtle populations in the Town Center. On-site surveys and reports relative to

⁶ Area based on current plans in FEIS and application submitted to the NYSDEC. Final protected area may change slightly based on the NYSDEC permit conditions.

these 3 species were conducted during the EIS process to identify potential significant impacts to species of significance, beginning in 2004.

The proposed development will result in some displacement of wildlife and a loss of habitat, which is an unavoidable impact. However, significant effort has been undertaken to avoid, minimize and mitigate these potential adverse impacts, and to provide benefits to the Indiana Bat and Blanding's turtle species, primarily through coordination with the NYSDEC and USFWS. As an outcome of extensive discussions with the NYSDEC and USFWS, the Applicant has proposed a number of conservation measures relating to Indiana bat and Blanding's turtle habitats. All strategies to avoid wetland/wildlife impact and mitigation measures are referred to as "conservation measures."

One of the primary on-site conservation measures is a proposed conservation easement on the natural open space to be protected (105.27 acres) which will be granted by the Applicant to the Town. This conservation easement is proposed to be transferred to the Town of LaGrange following Project approval by the NYSDEC, and prior to the commencement of any construction or land clearing on the site. This conservation easement will protect the habitat of both the Indiana bat and the Blanding's turtle, as well as other wildlife species.

Blanding's Turtle

Additional on-site conservation measures to benefit the Blanding's turtle species, beyond the conservation easement, include: habitat creation which includes managing an additional area of Hoosic soils or other sandy soils on site to add about 10 acres of additional managed potential nesting habitat, maintenance of the on-site nesting habitat for a 10-year period, and conservation protection; monitoring of turtle nesting areas by a licensed turtle biologist, in cooperation with the local school turtle monitoring club; installation of turtle curbs to prevent encroachment of development disturbance into turtle habitat and to prevent turtles from entering developed parts of the Property.

All conservation measures and other relevant maintenance and monitoring provisions will be detailed in an Implementation Agreement to be executed by the Applicant and the NYSDEC Region 3, and in an approved Mitigation Plan, which will include an Education and Encounter plan for construction, operations (maintenance), and operations (residents), which will be included in any NYSDEC permit. References to all elements to be constructed on the Project site; all seasonal maintenance of bioretention and stormwater pond areas; and all wildlife crossings shall be included on any approved NYSDEC permit plans and on all future Site Plans/Subdivision Plat drawings approved by the Planning Board. These plans also shall be updated to include: additional information on temporary barrier placement, design, and maintenance; the responsibilities of the environmental monitor; the outlines of the Education and Encounter plan; and proposed signage.

In addition to measures discussed with the NYSDEC and implemented at its direction, the Applicant has agreed to provide resources, such as a storage shed on the property, and access for the Blanding's Turtle Research Group⁷ to monitor and maintain onsite turtle habitat, which will further the Blanding's turtle research that is already being undertaken at the Arlington High School campus.

On-site conservation measures to benefit Blanding's turtle habitat have also addressed the impacts of farming on the species' habitat, as well as individuals of the species. The site has a history of farming use. Portions of the Project site are located within an Agricultural District and are presently in farming use. During the process of assessing the impacts of the Project on the Blanding's turtle species, it became evident that some agricultural soils are also important habitat for Blanding's turtles. Farming use is generally inconsistent with fostering populations of Blanding's turtles, and potentially harmful to individual turtles. Accordingly, a number of conservation measures designed to address potential impacts on the Blanding's turtle were developed in conjunction with the NYSDEC Region 3. At the NYSDEC's request, and to protect endangered species habitat and benefit the species, farming activity on the site will cease as the successive phases of the Project are developed. In the meantime, beginning in the Fall of 2022, all farming on the Project site will conduct harvest after October 1st each year, and will plant prior to May 15th each year, limiting the potentially damaging activity to periods outside of the Blanding's turtle breeding season.

A maintenance plan for all of the protective measures developed in conjunction with the NYSDEC will be provided to the HOA(s), the POA(s), and the licensed turtle monitor. It will also be shared with the Blanding's Turtle Research Group⁷. Copies of the maintenance plan will also be filed as part of the Town Planning Board approval.

Off-site conservation measures to benefit the Blanding's turtle species include support of The Wetland Trust's Blanding's turtle habitat creation and restoration program on the nearby Overlook Preserve, and the Wetland Trust's long-term monitoring of the local Blanding's turtle populations on the Overlook Preserve. The Applicant's funding for the monitoring will continue for 5 years at Overlook Preserve. The Applicant's funding for the Overlook Preserve will be paid when (1) a valid NYSECL Article 11 Take permit for Blanding's turtles for the project is issued and (2) development activity (surveying, clearing, grading, construction) commences. After payment, The Wetland Trust will create and enhance the additional nesting habitat and then the 5-year monitoring period commences (as per agreement between the parties dated March 8, 2021).

Indiana Bat

The off-site conservation measure to benefit the Indiana bat species is the Applicant's purchase and

⁷ The Blanding's Turtle Research Group is currently based at the Arlington High School and is active in the Town Center area.

protection of land off-site, providing protection to the largest Indiana bat hibernaculum in the Northeast through a conservation easement over a 52-acre parcel overlying the hibernaculum in Essex County, New York to be held by the Lake Champlain Land Trust. This purchase was completed in 2014 and the conservation easement to the Lake Champlain Land Trust will be finalized following approval of the Project by the NYSDEC.

An on-site conservation measure for the Indiana bat habitat is the planting of 198 trees of multiple species on common areas on the site, in addition to 99 trees to be planted in regulated wetland adjacent areas, and 980 trees along new streets on the site. These 1,277 trees will create connective forest corridors across open areas on the site, and will enhance future forested habitat on site.

To mitigate potential impact on roosting bats, trees will only be cut from November 1 to March 31 to avoid disturbing bats during roosting season. Construction crews will be briefed with information on avoiding and minimizing impact to bats. Outdoor lighting will be shielded or directed downward and will operate on a motion sensor/timer to minimize lighting pollution along forest edges. A qualified bat biologist will conduct a presence/probable absence survey within the first year, following federal protocol at the time, and a wildlife biologist will monitor the site during critical periods.

Northern Long Eared Bat

Although the site is within the range of the Northern Long-eared Bat habitat, there are no known roost occurrences of the species on or adjacent to the site. There are no specific mitigation measures proposed for the Northern Long-eared Bat, but the species will benefit from the mitigation measures proposed for the Indiana Bat (if found on site in the future).

These construction and conservation measures are discussed in further detail in the FEIS and in correspondence and documentation with the NYSDEC Region 3. In the event of any inconsistency between the text of the FEIS and the correspondence and permit application materials relating to the NYSDEC permits, the language which is more protective of the species shall control.

Timing of the implementation of the conservation measures has been designed to maximize the protective benefit to the species. The conservation easement to the Town will be conveyed prior to the beginning of construction, and the remaining on-site conservation measures will be conducted contemporaneously with each area/phase of site construction. Any future Site Plan/Subdivision approvals by the Town shall acknowledge and incorporate the conditions imposed by any NYSDEC permit, with appropriate notations on the approved drawings.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action has mitigated potential impacts on flora (vegetation) and fauna (wildlife) to the maximum extent possible, and, specifically, has incorporated substantial conservation measures

to enhance the habitat of Indiana bats and Blanding's turtles, and has provided enhancements for such habitats that benefit those species.

E. Wetlands and Watercourses

There are three NYSDEC mapped streams on the site, one of which, Fly Sprout Creek, is a protected waterbody in NYS due to its Class C, Standard C(T) ("trout") classification. The combination of water quality treatment via select BMPs and the substantial protection of the wetland buffer areas on-site will reduce and minimize pollutant load delivery to all mapped streams, including the Sprout Creek and Fly Sprout Creek. Maintenance activities for stormwater facilities are proposed to minimize impacts of surface water pollutants including: fertilizers, pesticides, road salts and oils. Therefore, no significant adverse impacts to the waterbodies on site are anticipated.

There are ±54 acres of regulated wetlands of varying sizes on site, regulated by the NYSDEC (PV-36, PV-37, and PV-39), the Town of LaGrange, and the USACE. There is a 100-foot regulated wetland adjacent area ("AA" or "buffer") to the NYSDEC and local wetlands that encompasses ±45.7 acres of the site, in addition to the regulated wetland areas. There are two areas of open water, located within the NYSDEC wetlands, on site which total 0.86 acre. There is one non-jurisdictional isolated wetland area (0.24 acre) on site.

The FEIS indicates approximately 0.02 acres of wetlands, and 1.5 acres of regulated adjacent area, will be disturbed during construction for the road/utility crossing in the center of the site which connects the TC-R and TC-B portions of the Town Center Project. The proposed roads (Road A and Road C) are designed to cross two fingers of the same wetland in two locations, each with a clear span arch culvert, to avoid wetland impact. The only area of wetland disturbance proposed is in the area of the utility installation in Road C, where the 0.02 acre wetland disturbance will be temporary and will be restored in kind and in place. These crossings have always been proposed as part of the Town Center Project to connect the north and south portions of the site and are necessary for access to emergency services and for avoiding unnecessary vehicle trips on roads outside the site. The Project has always been designed to avoid and minimize disturbance to the wetlands and wetland buffers (adjacent areas) on site to the maximum extent practicable. Based upon the comments of the NYSDEC and requested conditions for permit issuance, the FEIS plan reduced wetland disturbance and adjacent area/buffer disturbance to a smaller area than initially proposed in the DEIS plan.

The locations chosen for the Road A and Road C wetland crossings are at the narrowest possible points of the wetlands and have remained the same as what was reviewed with the NYSDEC during the DEIS preparation. The crossings result in an unavoidable 0.02-acre temporary impact to wetlands from the Proposed Action, where the water and sewer utilities will be installed. To minimize impacts to the wetlands and watercourses, the road crossings will be accomplished through the installation of clear span arch culverts at both locations. To further mitigate wetland impacts, the water and sewer pipes

will be placed within a concrete encasement or other approved method to minimize the footprint of the temporary construction impacts to the wetland, subject to approval by the Dutchess County Department of Community and Behavioral Health, allowing a single trench to be utilized. Installation will be conducted when the ground temperature is above freezing.

The internal road wetland crossings are absolutely necessary to the viability of the Project. Every version of the Town Center Project planning documents included a north-south street crossing at the narrowest portion of the wetland corridor to connect the residential areas with the mixed-use core of the Town Center Project. The Dutchess County Planning Department, the NYSDOT, the LaGrange Fire District, and the Applicant's traffic consultants all have agreed that connecting the neighborhoods to the south directly to the mixed-use center is absolutely critical for overall Town Center Project cohesion, traffic circulation, and the commercial success of the Town Center Project.

The wetland will be restored to preconstruction conditions following construction of the crossings. Where appropriate, construction will take place at a time of the year which will minimize potential habitat impacts. The displaced wetland soil and vegetative cover will be replaced following the installation of the pipes, as part of the wetland restoration. This will re-establish any habitat that may be disrupted by the relatively small construction footprint. The following will be incorporated in constructing the crossings: wetland area will be disturbed for 1-2 days to allow excavation of the utility trench and sidecast of fill material onto tarps; placement of the concrete-encased utility pipes without gravel bedding to prevent a French drain effect; backfilling of the trench with native fill material; and seeding of the disturbed area with a native wetland seed mix. This plan minimizes the footprint of disturbance within the wetland, and restores the disturbed area in kind and in place to yield no net loss of wetland area or ecosystem services. In addition, the regulated adjacent area around the wetland disturbance area will be planted with a variety of native tree species to diversify both the species and structure of the adjacent area plant community. This enhancement will help in soil conservation and will improve wildlife habitat within this area.

Other wetland conservation measures proposed include site design changes, pre- and post-construction mitigation measures, administrative oversight, and signage improvements. Conservation measures will result in no net loss of wetlands on site.

The non-jurisdictional isolated wetland (0.24 acre) will be filled as part of Project construction; however, no significant adverse impacts are anticipated from this action.

Within the wetland adjacent area, the proposed 1.5 acres of site disturbance will be limited to demolishing the existing buildings on the west side of the site, constructing the NYSDEC-required turtle curb, installing sewer lines and stormwater outfalls in public roadways, habitat enhancements within the wetland adjacent area and a driveway connection to Lauer Road. In addition, 7.4 acres of temporary wetland adjacent area disturbance will accommodate tree planting (reforestation) and

restoration areas (removal of building and pavement area and conversion to green space) in the buffer as part of the proposed conservation measures for species habitat. The regulated adjacent area will be included in the proposed site conservation easement and future disturbance to the area will be related only to maintenance of existing structures and habitat. Signage along the boundary of the regulated adjacent area will indicate that the area is protected. The disturbed area within the regulated adjacent area will be reseeded and planted with native trees to provide future habitat for Indiana bat and Blanding's turtles.

An additional measure of species protection in the adjacent area includes removal of the walking trails that were proposed in the DEIS plan, to further protect the wetland buffer/adjacent area. The NYSDEC expressed significant environmental concerns about the walking trails that were originally proposed to be located in the regulated wetland adjacent areas. Therefore, the proposed trails in these areas have been removed from the FEIS plan to provide further protection of the wetlands.

The Project is required to obtain several NYS and Federal permits, as well as a local wetland special use permit as per Chapter 124 of the Town Code. At the State level, a Freshwater Wetlands Permit under Article 24 of the New York State Environmental Conservation Law ("NYSECL") is required by the NYSDEC for the internal road/utility wetland crossings, vegetation clearance, ground disturbance, and construction in/within the 100-foot wetland buffer. The NYSDEC also requires a Threatened & Endangered Species License under Article 11 of the NYECL to authorize a take⁸ of any threatened or endangered species. The Joint Application for Permit (Application #3-1334-00251/0001 (FW)/00002 (ETS)/00003 (WQ)), covering Article 11, Article 24 (Freshwater Wetlands), and CWA Section 401 (Water Quality Certification for NWP #29), is currently under review by Region 3 NYSDEC. At the Federal level, in December 2020, the Project received authorization under Clean Water Act Section 404, Nationwide General Permit #29 (Commercial Development), which included an Endangered Species Act Section 7 formal consultation with the USFWS pertaining to Indiana bats.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective measures and mitigation measures stated herein, will not result in significant adverse impacts relative to wetlands or watercourses.

⁸ A "take" is defined under the federal Endangered Species Act ("ESA") as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The New York State Endangered Species regulations define "take" or "taking" as, "the pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting of any species listed as endangered or threatened ..., and all lesser acts such as disturbing, harrying or worrying." (defined in Article 11 of the NYECL)

F. Surface Water Resources, Flooding and Stormwater Management

The DEIS considered potential impacts with respect to surface water resources, flooding and stormwater management at the site. The Planning Board considered comments received on the DEIS regarding these topics and further considered them in the FEIS.

The Project includes the clearing of vegetation, grading, and the addition of impervious surfaces to the site, so a comprehensive stormwater management plan is proposed to address stormwater quality and quantity and to minimize potential significant adverse impacts. The plans provided in the FEIS indicate a net area of 45.3 acres total impervious surface will be added to the site. The stormwater management plan was updated in the FEIS to meet current NYSDEC stormwater design standards, including compliance with runoff reduction. The stormwater management plan includes Standard Stormwater Management Practices as well as green infrastructure practices. Stormwater runoff rates to adjacent properties will be reduced under proposed conditions.

A preliminary SWPPP for the Project was prepared in accordance with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. GP-0-20-001) and the Wetlands, Watercourse and Waterbody Protection Permit specified in Town Code Section 124-7C. The SWPPP analyzes stormwater runoff before and after development, and includes a preliminary Erosion and Sediment Control Management Plan (see FEIS Appendix H).

During the Site Plan approval process, the Town may require additional stormwater control measures. Detailed Erosion and Sediment Control Plans will be provided as part of the Site Plan process, which will include measures from the start of construction and continuing throughout its course, meeting the standards as outlined in the "NYS Standards and Specifications for Erosion and Sediment Control," dated November 2016 or current revision date at the time of application. A component of this plan will be an environmental site monitor approved by the Planning Board or its designee to monitor erosion and sediment control compliance during construction.

The proposed road/stream crossing of the NYSDEC wetland in the center of the site has been discussed extensively with the NYSDEC and the plan has been designed to minimize impacts to the NYSDEC wetlands as well as to local tributaries. It is anticipated that the first phase of construction will include a portion of the TC-B area, as well as this crossing of the wetland and the sanitary line connection to Lauer Road. The TC-B portion of the site may be divided into more than one general construction phase depending on market conditions. (See section C, Soils and Topography and section E, Wetlands).

To minimize impacts of potential pollutants, stormwater runoff from parking lots and roads on site will be directed to infiltration basins with hydrodynamic structures for pre-treatment and stormwater planters for water quality treatment prior to discharging to the state wetland adjacent areas and ultimately Sprout Creek.

The FEIS addressed the NYSDEC comment regarding stormwater discharges to NYSDEC wetlands. All but two of the nine (9) proposed stormwater discharge points are upstream of the NYSDEC wetland

adjacent areas. Prior to construction, each of the discharge points will be evaluated to determine if adequate vegetation exists, especially within areas that were previously farmed. If the vegetation at a discharge point is not adequate, it will be supplemented with appropriate native species. The Applicant will consider the use of pervious pavement for parking areas and potentially in other areas where appropriate as another mitigation measure for stormwater. These aspects will be detailed during the Site Plan process.

Following construction of the stormwater facilities, ongoing operation and maintenance will be required to meet the applicable stormwater standards, which are enforced by the Town of LaGrange as an MS4 community. This maintenance may be provided by the commercial site property owners through one or more POAs, by the residential lot owners in the TC-R District through one or more HOAs, or through a municipal stormwater maintenance district. The entity providing ongoing operation and maintenance will be defined for each section of the site prior to preliminary Subdivision Approval or Site Plan Approval of that section. If a stormwater maintenance district is formed, the Town's Engineer will prepare the Map, Plan, and Report for the formation of the district as a Town Board action. If POAs or HOAs are proposed, the documents will include language required by the Town as an MS4 community to assure that proper standards are met.

Regarding flooding, the area of proposed development is outside of the floodplain and is not anticipated to impact local hydrology. As described in the FEIS, the on-site 100-year floodplain area is not proposed for stormwater detention (with the exception of a portion of one proposed infiltration basin). Rather, ten (10) infiltration basins are proposed to control the rate and volume of runoff from the Project. The Project design complies with regulations promulgated by Federal Emergency Management Agency ("FEMA") and adopted by the Town, consistent with a Conditional Letter of Map Revision ("CLOMR") issued by FEMA according to the Hydraulic Analysis Report prepared for the Project (see FEIS Appendix F).

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective measures set forth herein, including but not limited to a SWPPP, sediment and erosion control methods and Best Management Practices for the Project, will not result in significant adverse impacts relative to surface water, stormwater management or flooding with the proposed mitigation measures to be undertaken.

G. Groundwater Resources

The DEIS considered potential impacts with respect to hydrogeology, groundwater, and water supply. The Planning Board considered comments received on the DEIS regarding these topics, and further considered them in the FEIS.

The far eastern portion of the site, in the vicinity of Fly Sprout Creek, overlies an unconfined overburden aquifer, which is part of a much larger aquifer that extends over approximately 5,000 acres off site. Most of the proposed development will occur outside of the unconfined overburden

aquifer. Site disturbance for the Project will extend over approximately 9.5 acres of the $\pm 5,000$ -acre aquifer. While the placement of some impervious surface within this 9.5-acre area will reduce the amount of groundwater recharge in that area, the amount of reduction is small, as compared to the size of the overall aquifer. Potential impacts on the aquifer due to this development will also be offset by additional recharge to the aquifer from treated stormwater. This runoff will enter the wetland buffer areas adjacent to Fly Sprout Creek and will provide additional recharge to the aquifer. Therefore, it is not anticipated that the proposed development will have a measurable impact on the aquifer, on groundwater recharge, or on groundwater quality.

Water supply for the Project will be provided from municipal sources, not from wells on site. The Town will obtain NYSDEC approval to develop any new sources of municipal water supply to serve the Project. (See section H).

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, including the protective measures set forth herein, will not result in significant adverse impacts relative to hydrogeology, groundwater or water supply.

H. Utilities

The DEIS considered potential impacts with respect to water supply and sanitary sewer for the Proposed Action. The Planning Board considered comments received on the DEIS regarding these topics and further considered them in the FEIS.

The Project is designed to be served by public water and public sewer consistent with Town of LaGrange planning studies and the environmental impact statement relating to planning for municipal utilities to serve areas of the Town including the Town Center. The Project is planned for phased development to take place over an approximately 10-year period, which is to be coordinated with the construction of Project-related infrastructure improvements.

Water Supply

Water supply for the Project is proposed to be obtained from a Town Water District. Water demand for the Project, at full buildout, is estimated to be approximately 200,058 gallons per day ("gpd").

Part of the Town's planning initiative for a mixed-use Town Center in this location was providing an expansion of water supply infrastructure to accommodate it. The Town already has conducted a SEQRA analysis of its overall planning for municipal water to serve Town Center. There is an ample supply of water to serve the projected demands of the Project. The Town will obtain NYSDEC approval to develop any new sources of municipal water supply to serve the Project and will also obtain NYSDEC permit approval to form the municipal Town Center Water Improvement Area ("TCWIA").

New central water source facility for the Town Center area is presently being developed at the source facility of the Manchester Water District ("MWD") adjacent to Wappinger Creek, approximately 7 miles northwest of the site. The Town has determined that this facility has a better yield than the existing TCWIA water source west of Stringham Road which is south of Todd Hill Road and north of Noxon Road. The existing, approximately 530 gallons per minute ("gpm"), Town well (at the MWD well field) is to be supplemented with additional well(s) as necessary to double capacity. The Town's Engineer will prepare a Map, Plan, and Report to establish an administrative entity (a Water District or Water Improvement Area) to fund construction of the following improvements: 1) watermain, pumps, control valve and meter, and controls to deliver water from the source facility to storage tanks in the TCWIA; and 2) storage facilities and watermain to serve the needs of the Town Center Project. The service area of the administrative entity will encompass all parcels included in the Town Center Project. The final entity formation will be a Town Board action.

Fire hydrants will be installed as part of the Project. Fire flows have been considered and looped connections are to be installed. The two system connections along NYS Route 55 plus the loop connection to be constructed along Lauer Road provide the system with the ability to feed fire flows from multiple directions. One loop will be constructed during the first phase of construction, and the second and third loops will be constructed during subsequent phases. With regard to water flows and pressure as indicated in the FEIS, the updated hydraulic model for the Town Center Water Improvement Area demonstrates that the system will be capable of providing flow rates in excess of 1,800 to 2,000 gpm throughout the Town Center Project, as requested by the LaGrange Fire District which has reviewed and commented on all aspects of fire protection for the Project.

Sanitary Sewer

Sanitary sewage generated by the Project is proposed to be collected on site and then treated by a Town Sewer District. Anticipated demand from the Town Center Project has been considered as part of the Town's wastewater master planning. The Town's adopted SEQRA Findings on the Town Center Zoning Amendments and Comprehensive Plan Update (2003) recognized that the permitted maximum densities could only be achieved with municipal sewer, to be developed by the Town as a direct action. The Town's SEQRA process indicated three aspects of sewer necessary to serve the Town Center: (1) the provision of treatment capacity at a municipal plant; (2) the provision of a sanitary sewer collection and transmission system from the Town Center site to the treatment plant; and (3) a sewage collection system within the site. The Applicant is responsible for constructing the sewer collection facilities on the interior of the Project site.

The Project will connect to the Town of LaGrange Municipal Sanitary System and will utilize the Titusville wastewater treatment plant ("WWTP") located near Wappinger Creek, off of Overlook Road, which will result in balancing the watershed by returning the wastewater to the same watershed as the well supply taking. The Titusville WWTP has an operational stage 1 capacity of 500,000 gpd which has been on-line since 2007, with a stage 2 build-out for a total facility capacity of 1 million gallons per day ("mgd") to be operational prior to the occupancy of the Town Center Project. This capacity

includes the sanitary flow needs of the Town Center Project, which is estimated to be 0.2 mgd. The Town's Engineer will prepare a Map, Plan, and Report to establish an administrative entity (a Sewer District or Sewer Improvement Area) to fund construction of the following improvements: 1) the stage 2 build-out of the Titusville WWTP for a total facility capacity of 1 mgd; 2) a pump station and force main to deliver sewer from the Town Center Project to the Titusville Sewer District collection system; and 3) any repairs and/or improvement to the Titusville Sewer District collection system necessary for accepting the sewer from the Town Center Project. The service area of the administrative entity will encompass all parcels included in the Town Center Project. The final entity formation will be a Town Board action.

Within the site, the sanitary system is designed to primarily flow by gravity. Two sanitary sewer pump stations ("SSPS") are proposed as part of the Project, one municipal and one private. The two proposed sanitary sewer pump stations will be screened with fencing and/or landscaping to mitigate visual impacts. Each pump station will be watertight and sized to hold one day's worth of sewage and will be equipped with visual and audible alarms in case of a mechanical and/or power failure. Upon completion, each section of sanitary sewer will be tested for infiltration and exfiltration to assure no non-wastewater flow gets into the system and no sewage leaves the system; and each manhole will be tested for water-tightness.

Water and sanitary infrastructure will be installed concurrently with road construction to avoid having separate construction impacts. The new utilities can be supported by either the existing site soils or new compacted fill. If unsuitable soil conditions or water is encountered during construction, the soils will be over excavated or otherwise addressed as specified by the geotechnical engineer and approved by the Town Engineer.

To mitigate wetland impacts at the utility crossing points, the water and sewer pipes will be placed within a concrete encasement or other approved method to minimize the footprint of the temporary construction impacts to the wetland, subject to approval by the Dutchess County Department of Community and Behavioral Health, allowing a single trench to be utilized. Installation will be conducted when the ground temperature is above freezing. (See section E, wetlands).

Certified water-saving plumbing fixtures will be utilized to help minimize water usage and resultant sanitary flow. In case of any future replacement fixtures, all new plumbing fixtures must be certified water saving in accordance with Federal and state law.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective measures set forth herein, will not result in significant adverse impacts relative to water supply or sanitary sewer.

I. Traffic and Transportation

The DEIS considered potential impacts with respect to traffic, transportation and parking. The Planning Board considered comments received on the DEIS regarding these topics and further considered them in the FEIS.

The Town Center Project proposes a new internal roadway network which will include both private roadways and roadways that are proposed to be dedicated to the Town as public roads. The primary roads are proposed to be through roads and will be dedicated to the Town. The public roadways will accommodate school buses. Both public and private roadways provide fire emergency access.

The Project will derive vehicular access from the south side of NYS Route 55, from Lauer Road, and from Todd Hill Road. The traffic study prepared for the DEIS assessed potential impacts to traffic in the vicinity of the Town Center Project. The DEIS analyzed 31 intersections and proposed traffic improvements to support future traffic loadings as of the DEIS design year (2016). The DEIS described intersection improvements, including signalization and geometric improvements, designed to serve existing conditions, and general growth in the area, as well as the development of the Project. The Town Center zoning was coordinated with the (then) planned improvements of the NYS Route 55 corridor along which the Project is located. Those highway improvements have now been installed by the NYSDOT. NYS Route 55 remains a two-lane road, while implementing access management and traffic-calming measures, including roundabouts, street widening, sidewalks, and landscaping, which have made Route 55 compatible with the creation of a viable town center.

To assess the continued applicability of the conclusions in the original DEIS Traffic Report, the Planning Board reviewed a traffic summary update prepared in June 2021, (included in FEIS Appendix G). This update included an analysis of the peak hour trip generation estimates of the development plan proposed in the FEIS and a comparison of those impacts with the peak hour trip generation estimates from the DEIS with impacts recalculated to current traffic levels. The Applicant's traffic consultant had monitored traffic at the site in 2019, pre-COVID, and so was able to assess any potential changes in traffic without distortion based on unique COVID circumstances. Data was compiled relating to traffic along Lauer Road and Todd Hill/Bushwick Road as well as on NYS Route 55 at the key intersections:

- NYS Route 55 (Freedom Plains Road) & C.R. 47 (Freedom Road)
- NYS Route 55 & Freedom Business Center/Retail Center Driveway

Trip generation based on 2019, pre-COVID, data was not significantly different than that found in the DEIS. The 2019 actual traffic counts were less than those projected to occur in the DEIS traffic study. Future traffic volumes for the Town Center Plan are expected to be similar to those contained in the original DEIS traffic studies.

Certain intersection sight distance, signing, and striping improvements on existing (off-site) roads were identified in the DEIS to be implemented as part of the Project. Based on further review and recent discussions with the Town Highway Superintendent, additional improvements to the shoulder and/or roadway along Lauer Road and Todd Hill Road have been identified and are planned to be incorporated into the final Site Plan. These include:

1. Construction of the access connections to Todd Hill Road will include vegetative clearing, pavement installation, curbing, and striping and pavement signage on the new roadway approaches to Todd Hill Road. There is an existing utility pole west of the proposed site access that will require relocation.
2. At the intersection of Lauer Road, Bushwick Road, and Todd Hill Road, initial improvements include vegetative clearing to improve and maintain sight distances, widening to accommodate larger vehicle movements, and pavement restriping. In the long term, the potential of an all-way stop controlled intersection at this intersection will be monitored as the various phases of the development occur and an all-way stop control will be implemented if deemed necessary by the Town Highway Superintendent.

Lauer Road from Todd Hill Road to the northern Property boundary has several areas of existing roadway geometric constraints. Based upon a review of current roadway conditions including existing sight distances and other constraints, as well as discussions with the Highway Superintendent, certain upgrades to Lauer Road will be implemented as part of the Town Center Project. Lauer Road along the site frontage currently varies in width between 18' and 20'. It will be improved to provide a consistent 24' wide pavement section along the Project frontage. In addition, approximately midway along the site frontage, there is an existing vertical curve which will be reconstructed to improve the vertical alignment and corresponding sight distances along that portion of the roadway. The improvements also will include a top course pavement overlay once the other improvements are completed with restriping that includes a double yellow centerline and white fog edge lines.

During Site Plan review, the Applicant will consider the appropriateness of striping the primary public Project roadways with "sharrows," which are shared lane markings and corresponding signing consistent with New York State Manual on Uniform Traffic Control Devices ("NYSMUTCD") indicating to vehicles that they are sharing the roadway with bicyclists and indicating where bicyclists should travel within the lane. Maintenance of the sharrows would be the responsibility of the Town on public roadways. Sharrows are not anticipated on the private roads, where traffic volumes are lower.

Parking within the Project is generally located on street and/or in surface parking lots and private garages within residential units. Parking has been designed based on standards in the Town Center zoning. The Project includes measures to limit unnecessary parking. Land banking/waiver of some parking in the TC-B is likely to be proposed during Site Plan review, when specific users for the TC-B buildings have been identified and their needs are known. The plan also includes a provision for

shared parking/joint parking to reduce impervious surface and the overall development area of the Project.

Parking for commercial, retail, and civic space will be provided in surface parking lots and on-street parking. Parking for residential units will include parking in private garages, surface parking, and parking on the ground floor under some of the multifamily buildings. The Town Center Project will provide residential neighborhoods which are compact and pedestrian-friendly. All homes in the Town Center Project will be within a short walk to the mixed-use town center and other community amenities.

Based on the analyses conducted, the Proposed Action will not significantly affect area roadways. The final design of the internal improvements, the design and timing of the access-related improvements, and other offsite roadway improvements described above will be completed as part of the Site Plan approval process with the Town Planning Board and the permit process with the NYSDOT.

Based on the results of the capacity analyses, and the integral Project elements and mitigation measures proposed, the Planning Board finds that the projected traffic generation will not result in significant adverse traffic impacts. The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the mitigation measures set forth herein, will not result in significant adverse impacts relative to traffic, transportation or parking.

J. Socioeconomics

The DEIS considered potential impacts with respect to population, socioeconomics, and taxes. The Planning Board considered comments received on the DEIS regarding these topics, and further considered them in the FEIS. (Potential impacts to community facilities: public schools, police, fire, and emergency services, are described in section III.K).

At full buildout, the Project will add 608 residential units to the Town's housing stock with a variety of unit types. At this time, the housing units in the TC-R are proposed to be owner-occupied and the residential units in the TC-B are proposed to be rentals. The site population is expected to increase by 1,497 people, including up to 178 public school children, at total build-out. The increase in population and school children is not anticipated to negatively impact Town services nor the school district. Rather, the projected 178 public school children are expected to partially offset recent declines in student enrollment in the public schools.

The Town Center Project is expected to have a net positive fiscal impact on the surrounding community. The Project will provide new tax revenue from housing units, as well as from new nonresidential space (commercial, retail, office, restaurant, & entertainment). Assessed values for

the Project will be determined in the future by the Town Tax Assessor. The DEIS contained a fiscal analysis which was updated in the FEIS. Based on 2020-21 tax rates, the estimated taxes described in the FEIS for the overall Project is expected to generate approximately \$7,790,982 in taxes annually at full buildout. This is an increase of more than \$7.5 million over existing conditions. This total includes \$5,503,642 to the Arlington Central School District; \$885,818 to the LaGrange Fire District; \$707,298 to the Town; and \$693,539 to the County annually. These estimates are not adjusted for any potential future changes in tax rates and do not include adjustments based on any potential PILOT agreement(s). As part of Project development, the tax parcels presently benefitting from an agricultural exemption would lose that exemption and thereby generate additional revenue.

The Applicant will be seeking a Payment in Lieu of Taxes ("PILOT") agreement for the rental apartments in the TC-B and will propose that the PILOT agreement provide for the rental apartments tax be based upon 50% of assessed value for the first 5 years with the tax abatement then phasing out over the following 10 years (years 5-15); such that the assessments reach 100% assessed value after 15 years. Any PILOT agreement will require the approval of the Town Board.

With regard to the housing proposed as the DEIS describes, by virtue of its Town Center design, the Town Center Project will offer a unique opportunity for a neighborhood setting unlike other projects in the Town. As the Findings Statement prepared by the Town of LaGrange in 2003 when the Town Center zoning was enacted stated: *"Numerous benefits will also be enjoyed by those living in a Town Center. As the demographic scale tips towards retirement rather than young families, Town Center environments like the one proposed are actually designed for the needs of a changing population. People who may not want to maintain two or three acres of lawn any more may rather live in a town house or a small lot [and] will be attracted to the Town Center. Town Centers are very attractive to starting couples, smaller households, singles, and retirees."* (Findings Statement July 8, 2003, p. 3)

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action will not result in significant adverse impacts relative to socioeconomic conditions, taxes, or site population.

K. Community Facilities and Services

The DEIS examined potential impacts on the provision of community services relative to the Project, including police, fire/emergency medical services, public schools, and solid waste, as well as parks, recreation, and open space. The Planning Board considered comments received on the DEIS regarding these topics, and further considered them in the FEIS.

Police Protection

Police services for this site are provided by the Dutchess County Sheriff and the New York State Police. As described in the DEIS, the gradual increase in population resulting from the phased buildout of the

Proposed Action likely will result in a proportionate, gradual increase in the demand for police protection and emergency response. The New York State Police confirmed that existing police resources are adequate to accommodate the Project. The Dutchess County Sheriff suggested that the Town consider locating an emergency services building near the Town Center Project. Tax generation provided by the Proposed Action is expected to cover incremental additional costs to the County Sheriff's Department. Certain plan features, including design of the Project with through streets; street lighting on primary roads; as well as lighting on buildings and homes; and residential population living on the site will all add to the security of the new neighborhoods.

Fire/Emergency Services

The site is within the service area of the LaGrange Fire District, which provides fire and emergency medical services with a combination of paid firefighters and paramedics as well as volunteers. The District serves a variety of existing buildings, including buildings of similar scale, up to 3 stories, as the buildings proposed in the Town Center Project. The majority of the new buildings proposed in the Project TC-R district are small residential buildings of a scale, size, and style similar to those located throughout the Town. The majority of the buildings in the TC-B district are proposed to be 2-story buildings, with a number of 3-story buildings as well. No building in the Project is proposed to be taller than 3 stories.

Under a mutual aid agreement including Dutchess County Enhanced 9-1-1 emergency response system, two nearby fire companies provide the LaGrange Fire District with aerial equipment: the Arlington Fire Department and the East Fishkill Fire Department, Hopewell Hose Company #1. Both of these companies have ladder equipment with a bucket. The Arlington Fire Department facility is approximately 5 miles from the site and the East Fishkill Hopewell Hose Company #1 is approximately 8 miles from the site.

Fire sprinkler systems will be installed in all buildings where required by the NYS Building Code. It is the Applicant's intention to sprinkle all commercial buildings, all mixed-use buildings, and all larger apartment buildings. All sprinklered buildings will have central station monitoring as required by the Fire Code of New York State. Townhome style buildings, including 4-plexes, and single-family homes will not be sprinklered unless required by a change in applicable codes.

The Town's consulting engineer confirmed that municipal facilities have the capacity to provide adequate water flow rates for fire emergencies, as required by the Fire District. The Proposed Action includes the installation of new fire hydrants on the site to be placed at approximately 500-foot intervals, near major street intersections, and at system high points.

The Applicant met with Fire District representatives, Town consultants, and Town officials to discuss access for emergency services and optimum road design relative to fire truck navigation. These discussions were related to road specifications and included rear lanes behind buildings, road widths,

locations of sidewalks, locations for mountable curbs, hardscape locations, and all aspects relating to circulation. These modifications have been reflected in proposed clarifications and adjustments in the illustrated street specifications for the Town Center districts. Based upon those discussions, the Applicant has agreed to incorporate the standards agreed to with the Fire District and Town representatives, as further discussed in the FEIS. These include, in addition to the above, multiple remotely located apparatus access points; circulation paths within the Project that permit apparatus placement for both aerial and engine placement; two locations for filling of tanker trucks; and a minimum street width of 20 feet; and 26 feet where serving as fire apparatus access roads for 3-story buildings (in accordance with New York State Fire Code). These aspects of the plan will be reflected in future Site Plan/Subdivision submissions.

The residents and property owners within the Town Center Project will be assessed Fire District taxes, in the same manner as other properties, to fund the costs of services. The FEIS concluded that the Project will produce sufficient tax revenues (annual tax revenue of \$885,818 to the Fire District at full buildout, using current tax rates, without any increases) to pay the Project's fair share of the Fire District's budgetary needs to cover any additional costs to the Fire District in providing services. Factoring in a tax increase enacted by the Fire District in October 2021, and further increases that the Fire District has stated it intends to enact, it is estimated that the Project, at full buildout, will be contributing approximately \$1.4 million dollars per year in tax revenue to the Fire District (compared to \$885,818 under the present tax rates as estimated in the FEIS). This will materially enhance the Fire District's ability to perform all services to the Town and to the Project.

The Fire District has noted current operational difficulties in negotiating a segment of the Route 55 corridor between two particular roundabouts, which make it difficult for cars to pull over onto the curbs to accommodate fire trucks. The Fire District, with the cooperation of the Town, should meet with the NYSDOT to resolve issues of mountable/unmountable curb, and proper trimming or removal of certain trees in the median that cause difficulty on Route 55. Educational efforts, coupled with signage, could instruct citizens on how to pull over and mount the curb to make way for emergency vehicles.

Schools

The Proposed Action is located within the Arlington Central School District ("ACSD"). The FEIS indicates that an estimated 178 public school children will be added to the District by the Proposed Action. These students would be distributed over 13 grades (K-12), and over an approximate 10-year buildout period (approximately 1-2 students per grade per year, if distribution was equal). The Applicant has met with the current ACSD Superintendent and has incorporated updated information from the ACSD Long Range Study (2019-2020) and current NYS Education Department ("NYSED") data into the FEIS analyses. Since the DEIS (2009), the LaGrange Elementary School was closed due to decreased enrollment and the district offices and the main bus garage were moved to the Todd Hill Road facility. Students living in the Town Center Project would likely attend Noxon Road Elementary School, Lagrange Middle School, and Arlington High School.

School bus stops will be determined by the school district after Project occupancy. They are determined by using a computerized routing system taking into account safety, efficiency, Arlington Board of Education policies, and an attempt to have as many group bus stops as possible to limit the time children spend on the bus.

According to the ACSD's most recent Long-Range Study, since the peak district enrollment of 10,041 students in 2009, the ACSD has experienced steadily declining school enrollment. Current enrollment (2021) is 7,811 students and ACSD enrollment is expected to continue to decline into 2029. The ACSD is expected to have capacity to accommodate the additional school children from the Project without negative impact.

In fiscal year 2020-2021, the Project site generated \$152,368 in school taxes. The Proposed Action is expected to generate approximately \$5.5 million in annual school taxes at full buildout; a net increase of more than \$5.3 million over existing conditions. Based on the FEIS estimates of per-pupil education costs and anticipated student population over the anticipated ten-year buildout, the projected increase in the tax base from the Proposed Action is estimated to have a net positive benefit to the school system of approximately \$1.9 million annually.

Solid Waste

The Proposed Action will increase the population of the Town over a buildout period of approximately ten years, and the new development will generate solid waste. At full buildout, the Project is anticipated to generate approximately 5,178 pounds per day, 945 tons of solid waste per year. A private carter(s) will be contracted to pick up and dispose of solid waste in licensed facilities. The Town will not be responsible for solid waste pickup and disposal from the Project.

Parks, Recreation and Open Space

The Proposed Action will provide approximately 118.8 acres of on-site open space, of which more than 105 acres, 54 percent of the site, will be protected in natural open space in conservation easements and the remainder will be in landscaped open spaces in the developed areas.

The FEIS plan proposes two primary park-like passive recreation spaces, the Town Green and Park Square, which are proposed to be open to the public and thereby benefit the entire community. Two active recreation/clubhouse areas for residents of the Town Center Project are proposed: one in TC-R and one in TC-B. It is anticipated that a substantial portion of the recreational needs of the new residents will be met through on-site recreation facilities. Property taxes generated to the Town will also contribute to the costs of maintaining community facilities including those proposed for dedication to the Town as part of the Project.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating consideration of the tax revenues to be generated by the Project

improvements, will not result in significant adverse impacts relative to community facilities including police, fire, emergency medical, schools, solid waste, parks, recreation and open space.

L. Historic, Archeological, and Cultural Resources

The DEIS examined potential impacts to historic, archaeological, and cultural resources relative to the Project. The Planning Board considered comments received on the DEIS regarding these resources and further considered them in the FEIS.

The potential impacts on cultural resources were identified through site surveys (provided in the DEIS): a Phase 1A Archeological and Historic Resources Investigation, a Phase 1B field investigation, a Phase II Site Evaluation Study on two sub-areas, and coordination with the NYSOPRHP. The results of these studies and coordination indicated that the only potential impact of the proposed development on historic or archeological resources was the locally identified Beekman Patent boundary wall that exists on the northwest portion of the site. The site area, presently within the Town of LaGrange, was divided between the original Rombout Patent of 1682 to the west and the Beekman Patent to the east, with the boundary marked by a stone wall whose remains cross the site. Portions of the Beekman Patent wall are within the proposed development area, although the wall is not continuous and is missing sections in several locations. The Beekman Patent wall has been identified by the Town of LaGrange as a significant local landmark.

Due to site grading, a portion of the existing wall is proposed to be disassembled and then reassembled utilizing the same stones in the same alignment as the original. The wall will be more visible to the public after development, since it will be incorporated as a streetscape feature in the Town Center. The reassembly of the wall, and the use of any required materials, will be done in consultation with the Town so as not to degrade the historical integrity of the patent line boundary. With this mitigation designed to preserve the Beekman Patent wall as a local historic resource, no significant adverse impacts to cultural resources are anticipated from the Project.

As an integral aspect of the Proposed Action, the Project proposes to incorporate the Beekman Patent wall into the streetscape. This protective measure serves as mitigation, and promotes preservation and protection of cultural resources in a location which is highly visible to the public. Correspondence from NYSOPRHP in 2010, and 2019, has confirmed that there are no potential impacts to archeological or historic resources on the site.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective and mitigation measures set forth herein, will not result in significant adverse impacts relative to historic, archeological, or cultural resources.

M. Air Quality

The DEIS considered potential impacts of the Project with respect to air quality. The Planning Board considered comments received on the DEIS regarding air quality, and further considered them in the FEIS.

An air quality analysis was prepared in the DEIS to provide potential air quality impact information in connection with the Project and/or other large planned or proposed developments in the LaGrange vicinity. As outlined in the Traffic Impact Study, potential impacts were determined using EPA approved, line source, air pollution modeling analyses for five intersections. The results of the analyses determined that carbon monoxide concentrations may increase somewhat under the build alternatives as compared with the No-Build alternative. The projected increase in carbon monoxide will not cause or contribute to the contravention of applicable air quality standards. Roadway improvements and timing modifications associated with the Project are sufficient to minimize estimated air quality impacts. The design of the Project is intended to reduce vehicle trips, thereby reducing carbon emissions.

The short-term use of heavy equipment operations at the site will result in a temporary minor increase in pollutant emissions, from the various types of equipment used in the construction process, for interim periods over a multi-year duration. The major concern during the construction operations is the control of fugitive dust during site clearing, excavation, demolition, and grading operations. Construction related air quality impacts will be of relatively short duration and generally not in proximity to public receptors. The phasing of the project will reduce the intensity of impacts, and best management practices (BMPs) will be employed to reduce soil erosion and possible sources of fugitive dust. This will include the daily use of water/spray trucks in dry periods and anti-tracking pads at construction entrances.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective and ameliorative design measures set forth herein, will not result in significant adverse impacts relative to air quality.

N. Noise

The DEIS considered potential impacts with respect to noise. The Planning Board considered comments received on the DEIS regarding potential impacts from noise, and further considered them in the FEIS.

A Noise Impact Evaluation was prepared for the DEIS, including field measurements of existing conditions. Five (5) noise receptors were placed in the vicinity. The locations included Arlington High School, LaGrange Middle School, Freedom Plains United Presbyterian Church, and two private

residences located on Stringham Road. The Noise Study determined that the Project may increase long term sound levels, due to traffic on area roadways, by a maximum of 2 dBA from existing conditions, which is generally considered to be an unnoticeable change. Therefore, potential adverse impacts from noise as a result of the Project are not significant.

Short term increase in sound levels during construction may occur due to construction activities and equipment. This temporary increase will be mitigated to extent practicable by the use of mufflers; properly functioning and inspected equipment; avoidance of unnecessary idling; and construction being limited to the hours permitted in the Town Code. The Project will comply with all applicable Town Codes regarding construction and noise. Construction noise will have a distinctive character and be audible from outside the site, but it is temporary, and the proposed mitigation measures will reduce, to the greatest extent practicable, the temporary unavoidable impacts from construction noise.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record and the above information, that the Proposed Action, including temporary noise due to construction, and incorporating the protective and mitigation measures set forth herein, will not result in significant adverse impacts relative to noise.

O. Energy, Sustainability, and Climate Change

The DEIS considered potential impacts with regard to energy in the context of chapter VI.A, Energy Conservation. The Planning Board considered comments received on the DEIS regarding potential impacts to energy, sustainability, and climate change and further considered them in the FEIS in chapter IV. M, energy, sustainability, and climate change.

The FEIS provided responses to comments relative to these subjects. The energy-saving component of the Project has three aspects; all of which contribute to an energy efficient new community:

- the fundamental nature of a mixed-use/Town Center Project;
- the Project design and integrated residential and commercial/mixed-use elements; and
- the plans for energy efficiency in building design.

The EIS describes several ways in which the Project will potentially reduce energy demand, encourage sustainability, and reduce greenhouse gas emissions. The most significant of these is the inherent nature of the Project itself: a Town Center which is designed with a compact, walkable, efficient design to help reduce sprawl development. The entire basis of the Town Center Project design has been to limit automobile use and to provide opportunities to walk to work, school, civic spaces, recreational facilities, and commercial sites.

In addition, the Site Plan layout maximizes the opportunities for connectivity and encourages pedestrian and bicycle travel within the various portions of the site through connections to nearby civic locations such as schools, post office, shopping, etc. The specific site layout contributions to energy, sustainability, and climate change include:

- Land planning and design techniques that protect the natural environment and minimize disturbance of the land, such as the practice of clustering and incorporating mixed-use elements to minimize vehicle trips. The Town Center will function for the benefit of the existing community and will eliminate the need for some trips to more distant locations. The sidewalk system and accommodation of bicycle travel internal to the site will also contribute to reducing greenhouse gas emissions. Inclusion of a recreational complex in each of the two primary zoning districts also encourages pedestrian access. The inclusion of a wider variety of housing types also encourages more residential units within the TC-B district, where residents reside close to nearby shops, offices, and civic spaces.
- Site development to reduce soil erosion; minimize paved surfaces and runoff with creative stormwater control techniques; and protection of vegetation and trees. The placement of 54% of the site into a conservation easement and the significant reforestation and planting program to benefit the endangered species, also enhances reforestation and carbon sequestration.

The third element of the overall strategy is energy efficiency in building design and construction. Additional measures relating to construction techniques that could further reduce energy demand are discussed in the EIS and will continue to be considered for incorporation into the construction plans for the Project. It is acknowledged that these are generalized potential mitigation measures because this field is continually changing with new products, new regulations, and new guidelines relating to energy conservation in the building industry. Current conditions regarding supply chain difficulties due to the COVID pandemic have made it difficult to predict construction costs and viability of design options, but New York's ongoing prioritization of new energy and climate-smart growth continue to incentivize energy-saving design and products. Measures being presently considered include: water conservation indoors and outdoors; energy efficiency in heating and cooling systems, appliances, lighting and the building envelope; selection of products and materials based on reuse, durability and the amount of energy used to create and deliver the material; and waste reduction, reuse and recycling during construction and throughout the life of the home. Specific measures to be incorporated in building design and construction will be described during Site Plan/Subdivision review.

The Planning Board as Lead Agency determines and finds, based on the Environmental Record, that the Proposed Action, incorporating the protective and mitigation measures set forth herein, will not result in significant adverse impacts relative to energy, sustainability or climate change.

III. Alternatives

The EIS considered potential alternatives to the Proposed Action, including the following:

- No Action Alternative – The No Action Alternative, as required by SEQRA, assumed that the Town Center site would remain in its existing condition with no development beyond what is there now. No conservation easements would be granted or wildlife mitigation implemented under this alternative, no housing or commercial development would be constructed, no parks, through roads nor sidewalks would be provided. No new tax revenues would be generated to the Town, County, Fire District, or School District beyond that generated by land uses on site in existing conditions. The development contemplated for this site by the Town in its long-term plans would not be implemented with the No Action Alternative.
- Alternative Plan A: Different Mix of Uses – Under this alternative, the site would be developed with the same road and building layout; however, the dwelling units above retail would be replaced by office space. This alternative would include 59 fewer housing units than the DEIS plan and therefore, a slightly lower number of residents and school children and a lower water and sanitary sewer usage. All other impacts remain generally the same. Alternative A does not incorporate the mixed-use design as desired by the Comprehensive Plan and Town Center objectives.
- Alternative B: Different Mix of Housing Types – This alternative considered fewer residential units (576 total units) with a different mix of residential and non-residential space and a different road and building layout. Due to the altered layout, there is more wetland buffer disturbance with this alternative. This alternative provides a lower number of new residents, lower sanitary sewer/water usage, a higher number of school children due to a larger number of single-family homes, and a higher number of peak hour vehicle trips. This plan does not incorporate design features of Traditional Neighborhood Design and does not incorporate the Beekman Patent wall. It is less sensitive to environmental constraints on the site including the wetlands and wildlife.
- Alternative Phasing Plan: This alternative investigated a different sequence of site areas to be constructed as compared to the Proposed Action. In this alternative, Phase 1 would still include the TC-B area; the wetland crossings; and connection to Lauer Road along with sanitary pump station and force main. Different than the Proposed Action, this would also include the residential units at the corner of Lauer Road and Todd Hill Road. A second phase would include the connector road to Todd Hill Road and completion of the water system loop. As described in the DEIS, the mixed-use character of the plan would not change. The DEIS indicates that a change in mix or housing type would not materially change the overall road circulation, utility system, or areas of the site being protected as open space. This alternative would accelerate the construction of

residential units and would also accelerate site-related infrastructure costs with more of the development proposed in earlier phases.

Discussion in the DEIS indicates that there could be many variants of these alternatives with respect to Alternative Plans A and B and the Alternative Phasing Plan. Since the Project is anticipated to be constructed over a long period of time (estimated to be approximately 10 years without factoring in potential pandemic-related or other delays), it is likely that changes in the real estate market will result in some changes to the layout, size, unit design and mix, and mix of residential and non-residential Project elements. The mixed-use character of the Project is not expected to change and the internal changes in the mix are not expected to create any adverse impacts from the Project, or to reduce its benefits. The pace of construction will be influenced by market conditions once the Project is under construction.

As part of the traffic analysis, two alternatives were included in the DEIS relative to NYS Route 55:

- Traffic Alternative A: With and without roundabouts on Route 55 – This alternative analyzed the intersection of Route 55 and Freedom Road and the intersection of NYS Route 55 and Stringham Road. Without roundabouts on Route 55, the intersections would require upgraded signalization, separate right turn lanes, and corresponding signal upgrades.
- Traffic Alternative B: High school driveway relocation – This alternative analyzed moving the high school driveway to opposite Stringham Road and opposite the potential roundabout at the exit from the Hannaford Supermarket. Under the four-way intersection alternative design, separate right and left turn lanes and replacement of the existing traffic signal would be required. The roundabout alternative maintained the single lane roadway on all sides of the roundabout.

The FEIS recites that the NYSDOT has installed the roundabouts and made significant improvements to NYS Route 55 since the DEIS, so these DEIS alternatives are no longer applicable.

Based on the alternatives analysis presented in the DEIS and the refined plan presented in the FEIS, the Planning Board finds that the Proposed Action, incorporating its protective and mitigation measures, does not create any significant adverse impacts that compels the selection of an alternative project and that the Proposed Action, with the additional protective and mitigation measures incorporated in response to comments on the DEIS and as compared to other alternatives studied, is both a reasonable alternative and one that best achieves the goals and objectives of both the Town and the Applicant.

IV. Certification of Findings to Approve

After due consideration of the relevant environmental impacts, the facts, and conclusions disclosed in the DEIS and FEIS, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations, the Planning Board of the Town of LaGrange, as Lead Agency for the review of the Proposed Action discussed herein, certifies, for the reasons set forth in this Findings Statement, that:

1. The requirements of NYCRR Part 617 have been met;
2. The Planning Board has given due consideration to the Draft and Final Environmental Impact Statements, as well as information derived from the public hearing on the DEIS and comments received during the environmental review process, and the relevant environmental impacts, facts, and conclusions disclosed in the final EIS;
3. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic, and other considerations, including, without limitation, the needs for a wider variety of housing types to meet the needs of all ages, physical abilities, and income levels, including seniors who would like to remain in the community rather than moving to other states; the needs of the community for a Town Center which will continue to grow as an important center of civic life within the Town; the need for efficient administration and operations by the Town Highway Superintendent and other Town Departments; and needs for public safety;
4. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Proposed Action, which incorporates the above-described additional protective and mitigation measures in response to comments on the DEIS, avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision the mitigation measures that are set forth herein, which have been identified as practicable; and
5. This written Findings Statement contains the relevant environmental impacts, facts, and conclusions as disclosed in the FEIS and utilized by the Planning Board to making its decisions regarding these Findings and provides the rationale for those decisions.

THIS STATEMENT OF FINDINGS OF THE LAGRANGE PLANNING BOARD, AS LEAD AGENCY, was adopted by a Resolution of such Board at a public meeting held on June 23, 2022.

Signed: Stacy S. Olyha
Stacy Olyha, Chair

Date: July 15, 2022

A copy of the Notice of Completion and the FEIS is available on the Town's website:
<http://www.lagrangeny.gov/Government/planning.html>.

Paper copies of the Notice of Completion and the FEIS are available for inspection at the following locations:

Town Clerk's Office
Town of LaGrange Town Hall
120 Stringham Road
LaGrangeville, New York 12450

and

Planning Department
Town of LaGrange Town Hall
120 Stringham Road
LaGrangeville, New York 12450

and

LaGrange Public Library
1110 Route 55
LaGrangeville, NY 12540

A Copy of this Notice of Completion, and a copy of the FEIS, is being filed with:

Involved Agencies:

Planning Board, Lead Agency
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NYSDOT-Region 8
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NYS Department of Environmental Conservation (NYSDEC)
Region 3, 21 South Putt Corners, New Paltz, NY 12561
Tracey L.M. O'Malley, Deputy Regional Permit Administrator
845-256-3054 (**requested digital copy of FEIS**)
tracey.omalley@dec.ny.gov

US Army Corps of Engineers (New York District)
Jacob K. Javits Federal Building, Room 17-302
26 Federal Plaza, New York, NY 10278
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Other required filings of Notice of Completion and FEIS:

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Applicant: BRH Land, LLC

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