



## TOWN OF CHESTER PLANNING BOARD REVIEW

**Project Name:** Baroda Subdivision

**Project Location:** East side of Black Meadow Road at Bairds Cross Road  
SBL: 12-1-31

**Reviewed by:** Kristen O'Donnell

**Date of Review:** September 28, 2023

**Plans Reviewed:** Cluster Subdivision Plans consisting of 17 sheets prepared by Pietrzak & Pfau last revised 08/02/2023, Yield Plan consisting of 8 sheets last revised 08/02/2023 and revised Full EAF

**Project Summary:** The application is for a 28-lot major residential subdivision (reduced from 29) in a cluster layout to be accessed via three curb cuts (one proposed as a private driveway) onto Black Meadow Road and served by individual wells and septic systems. The smallest lots with the plan are 0.75 acres (32,800 square feet) and the cluster design proposes 124.4 acres to be preserved in an easement. The Project Site is located in the AR-3 Zoning District and within the Ridge Preservation Overlay District.

### Comments:

#### *Yield Plan*

1. The applicant has provided an updated Yield Plan as previously requested by the Planning Board. The zoning makes clear this plan must meet all local, county and state regulations. The Yield Plan shows that each lot meets the basic setbacks based on zoning, but the plan needs to also confirm each lot is consistent with Section 83-22 of the Town Subdivision Regulations which requires a "buildable area" of at least 5,000 square feet be provided, outside of setbacks, which does not contain wetlands, floodplains, easements or an average slope in excess of 15%. The total buildable area should be calculated for each lot.

#### *Cluster Plan*

2. General Note #13 of the cluster plan states "There are to be no trees, fences, streetscape, etc. in the Town of Chester 50' right-of-way". The plans show a **100-foot** right-of-way on the north side of Baird's Cross Road. This note should be corrected. Further, given that the 100-foot right of way is within a wetland there should not be any clearing, mowing or any other disturbance of any kind within this area.

3. It remains unclear what will be permitted in the 50-foot Buffer Easement. Given this area is within 10 feet of the proposed dwelling on Lot 21, it will be important to know what future homeowners will be able to do in this area and how they will be made aware of these restrictions.
4. The applicant should also discuss what will be permitted in the 124.4-acre balance of Lot 1. From the plans, the 124.4-acre Agricultural Easement will be owned by the owner of Lot 1, but no information is provided on the plans to confirm who will control this easement and what will the homeowner be permitted to do in this area.
5. Note #1 under Ridge Preservation refers only to lots 5 and 6 of the proposed subdivision. It is clear from the Town's zoning map that all upland areas south of Baird's Cross Road are within the Ridge Preservation Overlay District. This note should be revised.
6. While most subdivision approvals allow flexibility in the final location of an individual dwelling on an approved lot, in order to best control visual impacts and impacts to other sensitive environmental features, the Town Subdivision Regulations allow the Planning Board to request a plat note requiring a future owner/builder to return to the Planning Board unless the relocated dwelling remains on 20% of the area of the originally approved dwelling location, within the lots approved building envelope, and does not negatively impact any of the criteria provided in Section 83-22.N(1) of the code.
7. The subdivision regulations (see §83-24.A(2)) require 10% of major subdivisions to be set aside for parks or recreation purposes. If the Planning Board finds that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Board may require a sum of money in lieu thereof. The Board shall then require as a condition to approval of the subdivision such payment to the Town of a fee per unit as set by Town Board resolution from time to time.

#### SEQRA

8. A full EAF Part 1 has been provided to reflect the latest plans. We have the following comments on the EAF and SEQR analysis:
  - a. The chart in E.1.b is not accurate. The total disturbance for the project is 32 acres while the chart only identifies the 5 acres of site change related to new impervious surfaces. While areas will not be converted to impervious surfaces, they will be stripped of their natural vegetation, regraded and maintained as manicured lawn. Manicured lawn is not the same as "meadow, grassland or brushland" which are defined ecological communities within the context of the NYSDEC.
  - b. Item E.2.n requires further information. If the applicant disagrees with the NYSDEC mapper data that Rocky Summit Grassland is present on the site, they will need to provide a source of their determination.
  - c. The response to Item E.3.h is inaccurate. The Project Site is within five miles of Goose Pond Mountain State Park and Glenmere Lake.

- d. The plans contain notes regarding tree clearing limitations related to Indiana Bat habitat. Although it was mentioned in earlier correspondence from USFWS, the applicant's EAF does not list the Indiana Bat as one of the threatened and endangered species with potential to be present on the site. The note should be revised to include Northern-Long Ear bats.

*Our previous review letter from February, 2023 had the following comments on the applicant's visual impact analysis which were not addressed.*

- e. A visual impact assessment has been prepared which provides existing conditions photos in the direction of the site and line of sight diagrams from 7 surrounding vantage points including the roads specifically mentioned in the Ridge Preservation Regulations as being sensitive receptors. The location of the proposed dwelling sites should be added to the line-of-sight diagrams for context and the diagram should confirm that *proposed* topographical conditions are shown.
- f. The mitigations offered in the visual impact analysis should be more specific. While it is understood that individual homes have not yet been designed, a more specific range of dwelling size, color (including both siding and roof shingles) should be provided for board review.

This concludes our comments at this time. If you have any questions or require anything further, please contact our office.