



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action

as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of Chester Planning Board

Referral ID #: CHT 02-23N

Applicant: Dario Gagliardi

Tax Map #: 13-1-41.225

Project Name: Subdivision-Gagliardi Property

Local File #: none provided

Proposed Action: Minor Subdivision creating two new parcels from one existing undeveloped parcel

Reason for County Review: Within 500 feet of County Route 13A (Sugar Loaf Bypass)

Date of Full Statement: March 20, 2023

Comments:

The Department has received the above referenced minor subdivision and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments regarding this project:

Wetlands: The proposed driveway for Lot 2 will need both an encroachment permit for the former farm road encroachment onto County Route 13A, but will also require a General Permit from the United States Army Corps of Engineers in order to cross the federal wetland located across both proposed lots. The nature of the wetland and the proposed house location require this permit; alternatively, the Town could require that the proposed house should be located on the other side of the wetlands closer to Sugar Loaf Bypass, in order to eliminate the proposed wetland crossing altogether.

Endangered Species: The proposed project is in an area known to contain habitat suitable for endangered or threatened species, including the Rocky Summit Grassland plant community, the Bog Turtle, the Indiana Bat and the Northern Long-Eared Bat. A Phase 1A Habitat Assessment was conducted for the previous subdivision and has shown no evidence of any of these endangered or threatened species on the project site. We advise the Town and the applicant to use best practices during construction out of an abundance of caution, which are likely to include times for tree harvesting, among other measures.

Other Land Considerations: The property is proximate to active farmland within Orange County Agricultural District No. 1 and to the portion of Sugar Loaf Mountain within the Ridge Protection Overlay District. Sugar Loaf Mountain is also known to include archeological and historical artifacts, and therefore the project site may also include such artifacts. The Cultural Resources Survey conducted on the project site found no resources present; we advise the Town to include a note on the recorded map for the proposed subdivision regarding the procedure if such resources are found during the construction of the future residences.

Steep Slopes: Generally, this Department discourages development of slopes steeper than 15% because of the potentially high environmental impacts associated with soil erosion that could occur during and after construction. The proposed development of this parcel, while sensitive to the topography, should have the stormwater pollution prevention plan be strictly enforced to prevent erosion of the shallow acidic soils associated with Rocky Summit Grassland areas. As noted in the approval for the previous subdivision creating this property, this lot in particular will involve a great deal of soil disturbance. We recommend that the applicant consider investigating whether a more environmentally-sensitive design (for example, reducing the setback of the houses from the road) is feasible.


See reverse side

Dario Gagliardi
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County Recommendation: Local Determination

Date: April 3, 2023

Prepared by: Megan Tennermann, AICP
Senior Planner



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Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.