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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

Applicant: NMC3, LLC

Project Name: NMC3, LLC

Proposed Action: Major Subdivision creating seven residential lots from two existing parcels

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

Date of Full Statement: June 17, 2021

Referral ID #: CHT 04-21N

Tax Map #: 13-1-39 & 41.22

Local File #: none provided

Comments:

The Department has received the above referenced major 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:

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 has been conducted 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, in order to minimize any accidental takings of these species. Best practices 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 includes a scenic overlook on 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 is likely to include such artifacts on the project site. The Cultural Resources Survey conducted on the project site found no resources present; we advise the Town to include a note on the final 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. Construction of lots 5, 6, and 7 especially 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.

County Recommendation: Local Determination

See reverse side

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Date: July 15, 2021

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Acting Senior Planner



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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.