



Town of Union Vale Planning Board

*Town of Union Vale Town Hall
249 Duncan Road
Lagrangeville, NY 12540*

**Regular Meeting Agenda
December 14th 2023 7:30 P.M.**

Planning Board Members:

Chairman: Pat Cartalemi, Members: Scott Kiniry, Alain Natchev,
Katherine Saglibene, Michael Mostachetti, Anita Fina Kiewra & Larry Knapp

I. CALL TO ORDER / DETERMINATION OF QUORUM

II. BUSINESS SESSION

- Review the agenda
- Approve October & November meeting minutes

III. CORRESPONDENCE

None

IV. PUBLIC HEARING

PROJECT NAME

Orlando Ground Mounted Solar Special Use Permit

Owner: Caitlin Orlando
Applicant: Plug PV- Chelsea Breen
Location: 17 Breezy Hill Dr, Wingdale NY
Parcel: 6960-00-113040

PROJECT DETAILS

Application for the installation of a 20.8 kw ground mounted solar array in the RA-3 zone

Meeting # 4

V. REGULAR SESSION / OLD BUSINESS

PROJECT NAME

Faillace Ground Mounted Solar Special Use Permit

Owner: David Faillace
Applicant: Plug PV- Chelsea Breen
Location: 5 McCourt Road, Lagrangeville NY
Parcel: 6861-00-890662

PROJECT DETAILS

Application for the installation of 555 sqft ground mounted solar array in the RD-10 zone.

Approvals needed:

- Special Use Permit
- Certificate of visual compatibility

Meeting # 2

PROJECT NAME

Bonavenia Enterprises

Owner/ applicant: Bonavenia Enterprises/
Laurie Bonavenia
Engineer: Day Stokosa Engineering
Location: E. Noxon Rd & Clapp Hill Rd
Parcel: 6660-00-437115

PROJECT DETAILS

Review of a conservation subdivision of a 45.83-acre lot located in the TC district. 48 townhomes in a grid style, 3 additional single-family homes along Clapp Hill Road, with the pre-existing commercial space to the south. Approvals needed:

- Major Subdivision
- Special Use Permit- Subdivision
- Site Plan Review

Meeting # 2

I. REGULAR SESSION / NEW BUSINESS

PROJECT NAME

Gellatly Subdivision

Owner: Alexander Gellatly

Applicant/Engineer: Jeffrey A. Econom

Location: 118 South Smith Road Lagrangeville

NY 12540

Parcel: 6661-00-590665

PROJECT DETAILS

Application for the subdivision of 87.19 acres into two lots lot # 1 of 67.8 acres & lot 2 of 19.4 acres located in the RA3 zone.

Meeting # 1

II. OTHER BUSINESS

None

III. ADJOURNMENT

- **NEXT DEADLINE: December 21st 2023** (by Noon)
- **NEXT MEETING: January 11th 2024**



Town of Union Vale Planning Board
Town of Union Vale Town Hall
249 Duncan Road
Lagrangeville, NY 12540
UNION VALE PLANNING BOARD
Minutes of the Regular Meeting 7:30 pm
December 14th 2023

Members Present: Chairperson Pat Cartalemi, Members: Anita Fina Kiewra, Michael Mostachetti, Alain Natchev, Kaye Saglibene & Larry Knapp

Members Absent: Scott Kiniry

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Cartalemi determined that there was a quorum for the Planning Board (“The Board”) to conduct business and called the meeting to order.

BUSINESS SESSION

The Board approved meeting minutes from October & November.

CORRESPONDENCE

- Letter from Nan Stolzenburg- Community Planning & Environmental Associates dated December 13th 2023 regarding Bonavenia application.
- Letter from Union Vale Conservation Advisory Council dated December 8th 2023 regarding Bonavenia application.

PUBLIC HEARING

PROJECT NAME

PROJECT DETAILS

- **Orlando Ground Mounted Solar Special Use Permit**
Owner: Caitlin Orlando
Applicant: Plug PV- Chelsea Breen
Location: 17 Breezy Hill Dr, Wingdale NY 12594
Parcel: 6960-00-113040

- Application for the installation of a 20.8 kw ground mounted solar array in the RA-3 zone

Meeting # 4

Chairperson Cartalemi made a motion to open the public hearing, unanimously accepted by the board.

Mr. Rose introduced himself as the applicant and stated a screening plan had been submitted to address the neighbor & boards concerns, showing 15’ tree plantings around the ground solar array.

Chairperson Cartalemi asked if anyone from the public had a comment or concern about the application. Mr. Jeffrey Hennessy of 36 Breezy Hill Dr Wingdale, NY asked what type of trees would be planted that would be adequate for year-round coverage. The applicant indicated they would be 15’ pine trees. With no other public comments, Chairperson Cartalemi closed the public hearing.

The board discussed adding a condition to the resolution regarding maintenance of the tree screening. With no more additional comments Chairman Cartalemi offered the following resolution which passed unanimously by the board, titled:

ORLANDO RESOLUTION
SPECIAL USE PERMIT
TAX PARCEL 6960-00-113040
17 BREEZY HILL DR, WINGDALE NY

REGULAR SESSION / OLD BUSINESS

PROJECT NAME

Faillace Ground Mounted Solar Special Use Permit

Owner: David Faillace
Applicant: Plug PV- Chelsea Breen
Location: 5 McCourt Road, Lagrangeville NY
Parcel: 6861-00-890662

PROJECT DETAILS

Application for the installation of 555 sqft ground mounted solar array in the RD-10 zone.
Approvals needed:
• Special Use Permit
• Certificate of visual compatibility

Meeting # 2

Mr. Nicholas Azadian, representative for the application gave a brief description of the proposed ground mounted solar panels. Chairperson Cartalemi stated the board reviewed the amended height plan which indicates the panels are 10’6” which satisfies the maximum height requirement.

Chairman Cartalemi asked the board if they had any questions or comments, with none the Chairman made a motion, which was passed unanimously by the Board, to **accept the application as a Type 2 Action under SEQR for the Application for the installation of 555 sqft ground mounted solar array in the RD-10 zone located 5 McCourt Road, Lagrangeville NY 12540 Parcel 6861-00-890662 and scheduled a Public Hearing on the Application for *Thursday January 11th 2024 at 7:35 pm* and directed the secretary to provide timely notice thereof.**

PROJECT NAME

Bonavenia Enterprises

Owner/ applicant: Bonavenia Enterprises/
Laurie Bonavenia
Engineer: Day Stokosa Engineering
Location: E. Noxon Rd & Clapp Hill Rd
Parcel: 6660-00-437115

PROJECT DETAILS

Review of a conservation subdivision of a 45.83-acre lot located in the TC district. 48 townhomes in a grid style, 3 additional single-family homes along Clapp Hill Road, with the pre-existing commercial space to the south. Approvals needed:
• Major Subdivision
• Special Use Permit- Subdivision
• Site Plan Review

Meeting # 2

Mr. Brian Watts representative from Day Stokosa Engineering presented the application. Mr. Watts detailed some of the updates to the plan, which include the green space area and nature trails, a central gazebo, the street lighting along the sidewalks and roadways.

The Board discussed the single-family lot and how close it is to the buffer of the wetlands. Mr. Watts explained it is not within the buffer but it can always be redesigned slightly if needed. He continued, that there will be no direct access from the individual parcels to any of the Townhouse walking trails, and they will not be included in the homeowner’s association, but will have a desirable view of the conservation area.

There was a discussion about the roadways and the hydrants, Chairperson Cartalemi stated the Town will reach out to the Towns fire advisory council to get feedback of hydrant flows.

Chairperson Cartalemi reviewed the comment from the CAC regarding the landscaping, and the installation of secondary plantings along the conservation buffers. He continued that there is already existing screening in a lot of areas, but the possibility of additional screening may be needed along Alexy Way.

Chairperson Cartalemi asked if anyone from the board had any comments or questions, with none the application was adjourned until the next meeting.

REGULAR SESSION / NEW BUSINESS

PROJECT NAME

Gellatly Subdivision

Owner: Alexander Gellatly

Applicant/Engineer: Jeffrey A. Econom

Location: 118 South Smith Road Lagrangeville
NY 12540

Parcel: 6661-00-590665

PROJECT DETAILS

Application for the subdivision of 87.19 acres into two lots lot # 1 of 67.8 acres & lot 2 of 19.4 acres located in the RA3 zone.

Meeting # 1

Mr. Jeffrey Econom, applicant & engineer for the application gave an overview of the application. Mr. Econom stated that the client he represents is looking to recreate a subdivision that was previously consolidated. He continued that it would be a two-lot subdivision, lot # 1 of 67.8 acres with existing single-family home & new flag lot 2 of 19.4 acres with the intention of constructing a single-family home on lot 2 with approval from Board of Health. Chairperson Cartalemi reviewed the requirements for a subdivision and commented that this application meets all the criteria.

Chairman Cartalemi asked the board if they had any questions or comments, with none the Chairman made a motion, which was passed unanimously by the Board, to **accept the application as a Type 2 Action under SEQOR for the Application for the subdivision of 87.19 acres into two lots lot # 1 of 67.8 acres & lot 2 of 19.4 acres located in the RA3 zone located at 118 South Smith Road Lagrangeville NY 12540 Parcel 6661-00-590665 and scheduled a Public Hearing on the Application for *Thursday January 11th 2024 at 7:45 pm* and directed the secretary to provide timely notice thereof.**

OTHER BUSINESS

None

ADJOURNMENT

As there was no further business, a motion was made by the Chairperson Cartalemi and unanimously accepted by the Board, to adjourn the meeting at 8:40 PM.

The next regular/public meeting of the Planning Board is scheduled for **Thursday December 14th 2023** the agenda will close on **November 30th 2023 at 12:00 Noon**. Items for consideration at the **December** meeting must be received by that date.



Union Vale Conservation Advisory Council

Date: 12/8/2023

Attn: Union Vale Planning Board

Re: Parcel Number 135400-6660-00-437115-0000 / Proposed Development

On behalf of the Union Vale Conservation Advisory Council, we issue the following comments and recommendations regarding Bonavenia Enterprises LLC's proposed development between Clapp Hill and East Noxon Road.

I. Site Layout:

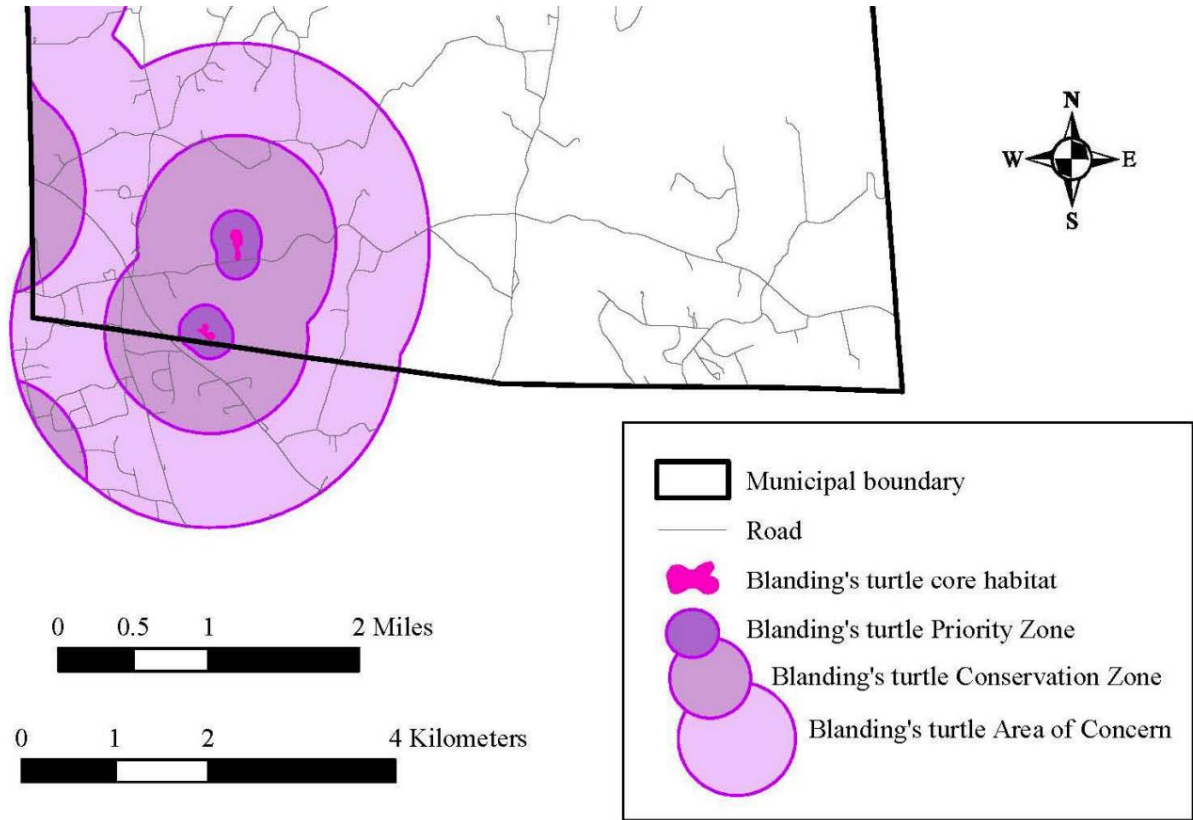
It is our opinion that the layout of the proposed development is broadly within the spirit of the conservation subdivision guidance laid out within the TC Design Standards.

II. Endangered, Threatened or Rare Species

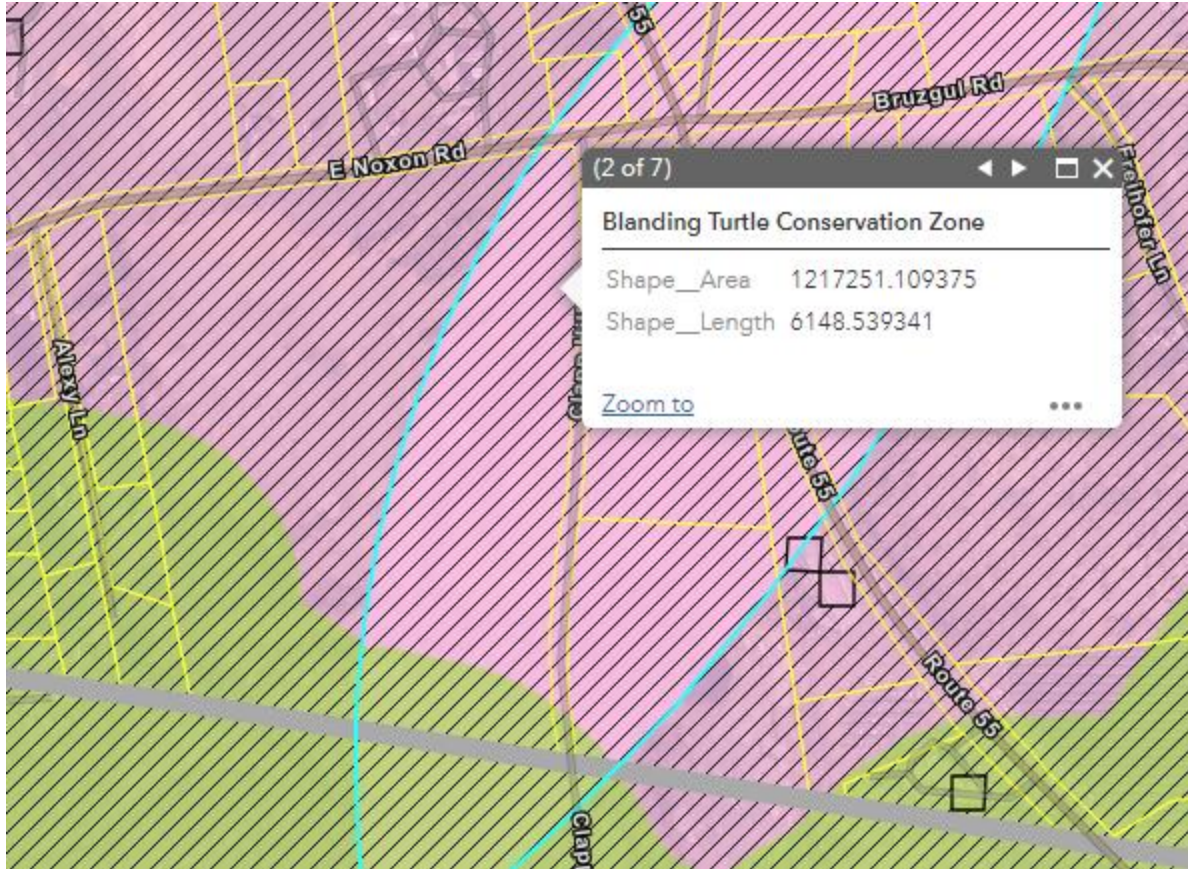
We respectfully suggest additional consideration for Blanding's turtle during construction periods and for site placement.

The Blanding's turtle is listed as a threatened species by New York State, and Endangered by the IUCN Red List.

A detailed analysis of Blanding's turtle habitat was completed in March 2009 by Hudsonia Ltd(1). This report identified that the eastern portion of the proposed development lies within Blanding's turtle Conservation Zone. The rest of the parcel lies within the Blanding's Turtle Area of Concern. Below is an image taken from the Hudsonia Ltd. report:



The same designations are also noted within the Union Vale Natural Resource Inventory (2) as seen below:



Please note the below definitions as taken from the same report(1):

- The 1000 m **Conservation Zone** is the area that encompasses the wetlands that the turtles use regularly on a seasonal basis, most of the nesting areas, and most of the travel corridors. One can expect turtles regularly in this zone throughout the active season (April through October).
- The 2000 m **Area of Concern** encompasses the Priority Zone and the Conservation Zone, and also includes the landscape within which the Blanding's turtle travels to explore new wetlands, and sometimes to nest. One can expect a few turtles from a particular core wetland in this zone each year.

It is the opinion of the Union Vale CAC that the following actions should be considered to minimize impacts to the Blanding's turtle.

- 1) We suggest significant disturbance of land not be made within the active season (April through October). This would include construction and soil movement, to prevent accidental destruction of nesting sites, which would not be visibly evident. It would not

be possible to identify any nesting sites with a visual check, therefore avoiding disturbance during this season altogether is the safest option to protect against further population loss. We did note some soils, particularly over the former gravel mined areas, which may be acceptable as nesting sites by Blanding's turtle.

- 2) Avoiding disturbance within the wetland buffer, to ensure the intended primary conservation zone is not disturbed, due to its association with a NYS threatened species. We suggest moving the site of the proposed dwelling on Lot #2 further southeast within its lot, in order to avoid disturbance in the buffer zone.
- 3) Ensure proper silt/sediment fences are constructed around the primary federal wetland to reduce impacts to water quality during construction.
- 4) We suggest educating all members of the construction project on identifying the Blanding's turtle, so site work can be temporarily halted should one be found in the vicinity of the construction grounds. This will be especially important should our recommendation (1 above) not be adopted.

Indiana Bat:

We have reviewed the Threatened and Endangered Species Habitat Suitability Assessment Report prepared by Ecological Solutions, LLC, and we are in full agreement with the proposed measures to mitigate impacts to this species, as laid out in section 2.1 of that document.

III. Conservation land:

We agree with the proposed primary and secondary conservation areas. Please note some additional comments below:

- The primary conservation area within the wetlands should remain unimpacted and allowed to exist naturally, without interference.
- Areas within the secondary conservation area, *that are not wetlands*, could benefit from some landscaping plans to improve the habitat.

We have a few suggested options for managing the secondary conservation area to improve the local ecology.

- 1) Planting a large area of pollinator friendly, native grasses and flowers. This would ideally be mowed once yearly in the late fall. This would improve biodiversity in the

region, especially providing habitat for many insects which are in rapid decline. This may also improve the viewshed for residents.

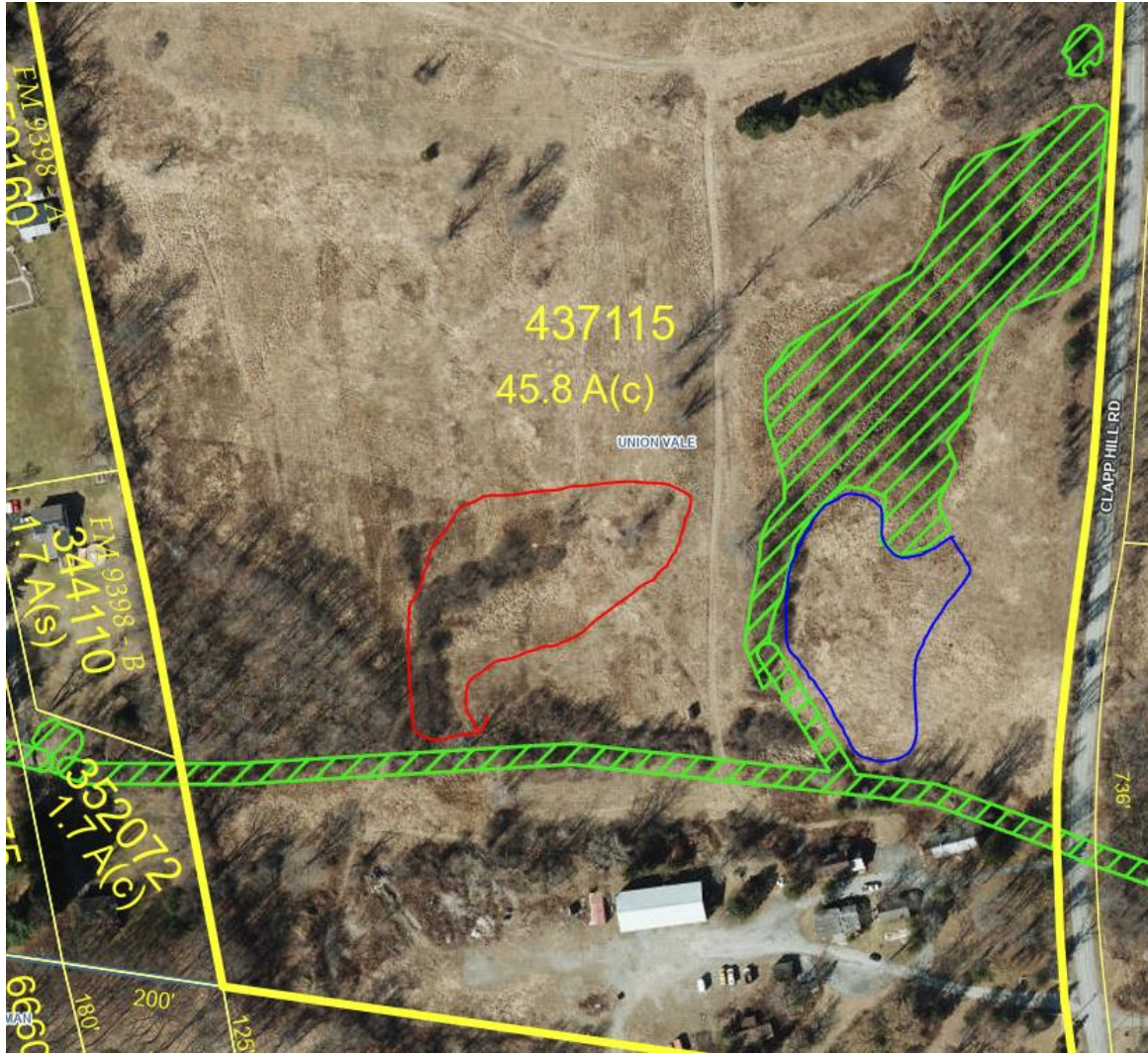
- 2) Allowing the remaining area to naturally develop without human interference, so the normal ecological succession can take place. This would eventually support a diversity of migrating birds as the upland meadow turns into shrub land. However, there would likely be problems with invasive species in this scenario, which could create future maintenance or ecological problems down the line if not dealt with.
- 3) Removing the large “Trees of Heaven” (*Ailanthus altissima*) within the conservation area (or elsewhere). These are highly invasive and undesirable trees, and will attract a large amount of spotted lanternflies once they move into the town in the next few years. This will help mitigate the nuisance for residents, as the Spotted Lanternfly uses the Tree of Heaven as a primary host tree. Also note this species prolifically sprouts from the roots if cut. So, suggest treating the stumps of any of these cut trees with appropriate cut-stump herbicide, especially near proposed septic systems, to prevent trees from regrowing near or on the septic systems and creating additional maintenance problems.

***Note regarding the wetlands.**

The CAC did a walk through of the majority of the property on December 02nd. We observed the federally designated wetlands as noted in the site plan appear to be a significant underrepresentation of the extent of actual wetlands. This is further supported by our NRI, which we will elaborate upon later in this section of the report.

A visual analysis found wetland species such as willows, alders and wetland grasses extended through the **red circled area** below, which was deeply saturated as well. We did not do an extensive analysis of this area since it is already within the proposed conservation area. Wetlands may have extended a bit further west but did not extend to the north of the circled area.

Saturated ground was found within the **blue circled area**, increasing in saturation with proximity to the federally designated wetland. It was unclear whether or not the blue circled area constitutes actual wetland, since some ambient ground saturation was being encountered due to recent rain. However, it is likely the wetland extends at least somewhat into the blue circled area, given herbaceous vegetation changes across the gradient. This would be more easily discernable within the growing season.



The Union Vale NRI (2) also suggests possible or probable wetlands well outside the federally designated wetland.

The blue hatched area below indicates possible wetlands.

The green hatched area below indicates probable wetlands.



When taking into consideration the Union Vale NRI along with CAC site visit, we suggest a re-evaluation of the wetland extent within the areas closer to Clapp Hill Road, since the rear sections of those three lots may be closer to or within wetlands not previously accounted for.

IV. Wetland Buffer Zones:

For environmental purposes, we strongly suggest not disturbing land within the 100 foot buffer zone to the federal wetland, as suggested by Nan Stolzenburg in section 1(a) of her Memo dated November 6, 2023 to the Town of Union Vale Planning Board. We note this comment was later rebuffed by Bonavenia Enterprises in their letter dated November 30, 2023 to the Planning Board. The CAC has no opinion on the interpretation of the town code, however in light of the extent of wetlands outside the federal wetland boundary, we strongly recommend the buffer zone be left undisturbed as to ensure no impact to the wetlands.

Citations:

- 1) <https://static1.squarespace.com/static/631110deada85121498e9d85/t/634dbfb52a712b7811cfe057/1666039737682/Blandings-turtle-Habitats-report.pdf> (Hudsonia Blanding Turtle)
- 2) <https://vassar.maps.arcgis.com/apps/MapSeries/index.html?appid=b6a62eaa59364484b2a03f0e03c6a9f2> (Interactive Union Vale NRI)

<https://cornell.app.box.com/s/k4u0mz7sox5qq9i5wzik8gx4ehf5f9gg> (NRI PDF)

Sincerely,

Joshua Redinger
Chair of Union Vale Conservation Advisory Council.
On behalf of the Union Vale Conservation Advisory Council.



Community Planning and Environmental Associates

152 Stolzenburg Road, Berne, NY 12023

518-248-8542 • planningbetterplaces.com

Memo

To: Town of Union Vale Planning Board

From: Nan Stolzenburg FAICP CEP

Re: Review of Bonavenia Enterprises (Townhouse Development Special Use/Site Plan Application)

Date: December 13, 2023

Nan C. Stolzenburg

I have reviewed new submission for the Bonavenia Enterprises application, including a Day/Stokosa letter, civil site plans revised, FEA and SWPPP Report all dated 11/30/23. I have also reviewed the 12/8/23 memo from the Union Vale Conservation Advisory Council. The Day/Stokosa letter responded to the last CPEA memo dated 11/6/23. Although there remain several questions and concerns that I am recommending a revisit and additional information on, as outlined below, I believe the layout as proposed is much improved and generally acceptable and consistent with the purposes of the conservation subdivision.

This memo includes **only** those previous comments that remain an issue or to be discussed by the Planning Board. I offer the following ongoing issues/discussion points for the Planning Board consideration (new comments from me in bold/blue):

1. For the three lots to be created along Clapp Hill Road:
 - a. Note that the 100' wetland buffer is shown extending into each of the lots. No building envelope (area of disturbance) should extend into the buffer. I recommend that the subdivision plat show not just the house site, but the building envelope to ensure house, driveway, and disturbed areas are outside the buffer area. Each lot shows wetland buffer that will need to be maintained as undisturbed area.
Day/Stokosa Response: Our reading of the code would indicate that the building envelope shouldn't extent into the proposed conservation area which may or may not include a wetland buffer. The wording does not seem to indicate to us that the intent is that a buffer has to be maintained as non-disturbance in addition to the conservation area It is fairly common to extend disturbances into a buffer and as this is federal a permit is not required from the ACOE given the wetland remains undisturbed.
CPEA response: I agree that the code requires keeping building envelopes out of both primary and secondary conservation areas. I also agree that federal wetlands do not commonly have required buffers. However, the Planning Board should consider the following two points:

1. 201-32 (G) (a) (4) (Site Design Criteria) for a conservation subdivision says that existing native vegetation shall be maintained to create a buffer within 100' of wetlands. It does not appear as if the building envelope on Lot 2 is 100' from the wetland.
2. While I generally agree with the conservation areas shown on the map, I do note that the process as detailed in Section 210-32 was not fully followed in terms of having a site analysis map as per 210-32 (F) that shows, without any proposed features, all of the features required. The reason that step is important is to ensure that the Planning Board agrees with what is primary and secondary and that the conservation area is set first.

The current civil set of plans do not show a separate map just with existing features nor does it show a site analysis map showing just what is proposed to be the primary and secondary conservation areas. It does not appear that the sequence of the 4 steps outlined in (G) (1) (d) were taken. I bring this up because it is up to the Planning Board to approve what is in the primary and secondary conservation areas. While I generally do not disagree with what they have included, the issue of the wetland buffer stems from this need to first identify those areas.

The conservation area especially needs to be reviewed in relation to the three single family lots. I note that the sheet 4 shows the overall conservation area not included on any of those three lots, yet the wetland extends into two of them. Thus, I question whether the boundary of the preserved land should also extend into those two lots. This is the purpose of the site analysis – to help determine where those boundaries ought to be.

See also the 11/30/23 Day/Stokosa Letter showing comment and response to Thomas Harvey comment #10. This comment addresses similar needs as expressed above. There is more information needed and discussion to support the areas proposed to be conserved.

Thus, The Planning Board will need to identify if the 100' buffer of that wetland is required, and should be part of the secondary conservation area. It seems somewhat arbitrary to me that on the northern side of the same wetland, the secondary conservation area includes the buffer, but on the southern/eastern side it doesn't. This decision will determine the placement of the building envelope for Lot 2. In the future, if the wetland were to get bigger (due to climate change impacts), then the boundary of the wetland will get even closer to the building envelope. My recommendation first is for the applicant to provide you with one map showing all existing conditions and their proposal for primary and secondary conservation areas without any of the proposed features so that the Planning Board can then evaluate if those

are adequate. The discussion of impact of proposed Lot 2 on that wetland should be part of that discussion of the secondary area.

An additional comment to be addressed that is related to the conservation area designation is from the CAC's memo. An existing features map should show the identified Blandings Turtle habitat (from the March 2009 Hudsonia report) and the Town's NRI. Although this area is already within the proposed conservation area, the Planning Board should ensure that all appropriate measures are taken to identify and preserve this area. The CAC offers 4 recommendations that I agree with to ensure protection of this important habitat. The CAC also points out the potential for additional wetland areas on the site. There is a discrepancy between the wetland boundary identified by the applicant's biologist and the CAC memo. I recommend this be evaluated as part of an expanded site analysis – especially as relates to the three single family lots proposed.

- b. As required by 210-22, no more than 25% of the minimum lot area can be fulfilled with wetlands (75% and all setbacks must be outside the wetland). Lot 2 may be problematic in that there doesn't appear to be enough room for the building to be placed outside the buffer. It could be moved forward and moved to the southeast corner of that lot and use of the conservation subdivision allows flexibility to establish building lot locations to best conserve environmental features, so it is feasible to move that house site closer to the road to preserve that buffer. I recommend a detailed evaluation of the buildability of Lot 2.

Day/Stokosa Response: The reading of the quoted sections references the wetland itself and not its buffer as they are two separate items. Less than 25% of any lot contains wetlands and our understanding is that the proposal meets the letter of code as well as intent.

CPEA Response: I agree that 210-22 references the wetland, and not its buffer. With that said, however, 210-29 needs to be addressed, as above comments.

2. Interior Roads and Parking:

- a. The plans shown have a private road having a 26' pavement width. Note that Town highway specifications for private, rural subdivision roads require 20' of pavement with a 45' right-of-way. The width of the new road in the TC district was specifically changed to have smaller, low volume roads. I believe 26' is way too wide. I also understand this is in conflict with the State Fire Code. This will have to be researched with the CEO and Town Attorney to determine how to address this conflict in dimensions. I strongly recommend reduction of the pavement width. If there is any flexibility to reduce to the zoning's 20', perhaps adding a wider turning radii at corners may allow for enough room for fire trucks. This will need additional evaluation.

Response: Comment noted we will wait on a determination and fire department comments. The provided turning radii are 35' as required by code.

CPEA Response: Acknowledged. Fire Department comments are critical. I advocate, however, for a reduction in pavement width if acceptable to the Fire Department as that would be more in keeping with the intent of the TC District.

- b. The Town of Union Vale requires a 45' Right of Way on private, subdivision roads. It does not appear as if this proposed layout meets that requirement. The sidewalk, street trees, light poles, and utilities would be located in this Right-of-Way and that ROW needs to be shown on the plans and accommodated in the site design. If this 45' ROW is not waived or varied, then perhaps the entire development could be spread south to accommodate for this ROW need. See also 210-19 for modification of right of way.

Response: The referenced 210-19 deals with modification of front yard setback based upon a sub-standard ROW width and not the actual ROW. In addition said section defines a substandard ROW width as anything less than 50' which would seem to indicate that all new roads would be substandard. The summary of referenced criteria for new roads in figure 1 conflicts with the amended details in the rest of the figures and 1A is not referenced anywhere in the code that I could find.

CPEA Response: Acknowledge the conflicts. The Building Inspector and Planning Board should continue to discuss and determine the appropriate ROW.

- c. This development has a one way in and one way out circulation pattern. While this is a beneficial design in many ways, it does pose questions about emergency access. This should be discussed with the local fire/emergency departments for adequacy. If an emergency access is needed, perhaps the maintenance road shown from Clapp Hill Road to the pump/well could be generally improved, but not paved, to provide another emergency access to the interior.

Response: Comment noted. We can provide the second means of emergency access if the fire department would desire it. This would be gated with a knox lock.

CPEA Response: I recommend that the Planning Board specifically ask the Fire and emergency departments about the need for an emergency access. I recommend that it be included.

3. Landscaping

I have reviewed the proposed landscaping plan for the townhouse portion of the subdivision and generally find it to be acceptable.

- a. The Plan does not address landscape treatment of the remainder of the disturbed area outside of the conservation areas. What are the landscape plans here? Will this be mowed grass? Meadow? Left alone to revegetate naturally? This needs to be articulated on the landscape plan. If planned to be grass, I recommend instead planting a pollinator-friendly seed mix that would be a meadow habitat to attract birds and insects, and then mowed once per year in the fall to maintain that meadow habitat. Either way, this needs to be articulated.

Response: As is generally understood, all non-landscaped areas of disturbance are to be restored to a grassed condition. The intention is to minimize the disturbance in the first place.

CPEA Response: Please see the CAC memo. I agree with their recommendations for the open space lands on the parcel:

- Primary conservation areas to remain undisturbed.
- Secondary conservation areas that are not wetlands, could benefit from some habitat improvement plans including restoration of grassed areas with pollinator friendly native grasses and flowers and maintenance of that as a meadow. Meadow habitats are in an important habitat and the area would benefit from this. The landscape plan can reflect areas slated for pollinator-friendly seeding. There are other scattered shrubs/trees in the locations to be primary conservation area and these could be left and/or improved as habitat.
- Remove the Trees of Heaven species as they are an invasive species.

- b. Are there any abutting properties needing buffering? The Planning Board should ask this question and include this in the landscaping plan if needed.

Response: Our reading is there is not given we are more than 100 feet from the neighboring residential properties to the west.

CPEA Response: It is not necessarily just a measurement. It is whether the new development will be visible from the abutting properties. The houses along Avery Lane need to be assessed for year-round visibility to the site. It appears that the current vegetation is deciduous, meaning that during leaves-off, the townhouse development may be very visible, and it is the intent of the zoning to ensure that such changes in views are mitigated or avoided. I recommend the Planning Board evaluate the visibility of the site from Avery Lane and if visible, require evergreen plantings along that western edge to mitigate. See 210-32 (G) (3) (6) and (7).

- c. The three single family houses are part of this subdivision and thus should also have access to the preserved open space via trail and pathways. I recommend this be added to the plans.

Response: These houses are not part of the HOA and derive no benefit from inclusion in the HOA in the form of utilities or access.

CPEA Response. Acknowledged that these homes are not to be part of the HOA, but they are indeed part of the conservation subdivision and must be treated as such. One goal of this design method is to ensure access to all new residents in that subdivision of the open space being preserved See 210-32 (C)4. And see 210-32 (G) (5) (b) that details that bike paths and other pedestrian trails shall be provided for within the subdivision, and those three parcels are within the subdivision. I recommend the site plan/plat be updated to show trail connections from those lots to the preserved open space.

4. Future submissions should show details on the development sign to be placed at E. Noxon Road.
5. A SWPPP, and a grading plan will need to be reviewed by the TDE.
6. Has there been any hydrogeological or test wells done to ensure water capacity for the site?
7. FEAF. A new FEAF has been provided. I offer the following comments:
 - a. E2m asks for identification of predominant wildlife species that occupy the site. I point out that the wildlife assessment provided by the applicant addresses threatened and endangered species (only the Indiana Bat), and that it did not evaluate the Blandings turtle habitat study form Hudsonia/town NRI. The answer to this question lists deer, small mammals, and song birds. It does not appear as if any wildlife inventory was conducted on this site. Thus, will the Planning Board have adequate information to answer the FEAF Part 2 of the SEQR process in relation to impacts on local wildlife? I suggest that the applicant supply additional, available information from existing sources of information (NRI, Hudsonia Report, NYS DEC Breeding Bird Atlas, NYS DEC Herp Atlas, other DEC sources, etc.). The applicant should further request information on this site form the NYS Natural Heritage Program to identify any rare species or critical habitats that may be in their data base.
 - b. The questions related to wildlife likely need to be updated due to the recognition of Blandings turtle habitat on site.