

### **3.0 EXISTING CONDITIONS AND ANTICIPATED POTENTIAL IMPACTS**

This section identifies the existing environmental conditions, potential impacts and proposed mitigation measures if warranted for each of the following resources: land use, zoning and public policy; socioeconomics; community facilities and services; community character; historic and cultural resources; vegetation and wildlife; geology, soils and topography; surface water, wetlands and groundwater; sewer and water infrastructure/utilities; solid waste; transportation; noise; air quality; visual impacts and aesthetics; hazardous wastes; construction; and cumulative impacts.

#### **3.1 LAND USE, ZONING AND PUBLIC POLICY**

This section analyzes the potential of the Project to generate significant adverse impacts on land use, zoning and public policy, as well as other related topics and concludes the Project would not have the potential to generate any such significant adverse impacts. As discussed below, the Project as proposed is fully compliant with the provisions of the Village's Zoning Code and requires no variances. As such, the Project is consistent with the existing land use, zoning and public policy requirements of the Village.

702 acres of the Project Site's 708.2 acres are zoned RR and the remaining 6.2 acres are zoned RC-I. The Village Zoning Code, which implements the policies for land use within the Village, was adopted in 2009 following environmental review and the issuance of a Negative Declaration. Found in Appendix O-7, both the Negative Declaration and the resolution adopting the Zoning Code contained the explicit finding by the Village Board that the adopted Village Zoning Code *"will not create any significant adverse environmental impact and mitigation is not necessary."*

At the time the Village adopted its Zoning Code, approximately 90% of the homes in the Village were developed at a significantly higher density than is allowed under the current Zoning Code, which restricts residential development to one unit per two or ten acres. Therefore, the majority of the Village's existing homes would be defined as nonconforming uses according to the adopted Zoning Code. Hence, the Zoning Code was essentially adopted to provide different and lower density regulations for the remaining 10% of the Village's parcels which were undeveloped or underdeveloped at the time of its adoption, including the Project Site, which accounts for the majority of such land. Thus, the provisions of the Zoning Code governing development in the Village, including the lot count and density provisions etc., were adopted for the purpose of establishing the appropriate type and intensity of development for the Project Site.

The Project would be in accordance with the provisions of the Village Zoning Code and would not require any waivers or variances. Therefore, as confirmed by the Village Board in the SEQRA Negative Declaration adopted with respect to the Zoning Code, development on the Project Site which is compliant with the applicable RR and RC-I regulations would not have the potential to

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generate any significant adverse land use, zoning and public policy impacts. Nonetheless, this section analyzes the specific existing conditions of the Project Site and potential impacts from the Project upon land use, zoning and public policy, and reaches the same conclusion: the Project would not have the potential to generate any significant adverse land use, zoning, and public policy impacts and therefore no mitigation would be required.

### **3.1.1 Land Use**

The following is a brief development history and description of existing land uses applicable to the Project Site. The Project Site is situated upon lands historically belonging to the Howell family, who settled in South Blooming Grove in the 19th century, and used the Project Site for residential, farming and business purposes. The Greene family acquired the property in 1952. According to the public records<sup>1</sup>, in 1960, the Town of Blooming Grove Planning Board approved a plan to construct a casino (non-gambling), luncheonette, cocktail lounge, outdoor pool and athletic facilities, and 126 residential units, including single-family and multi-family dwelling units. In subsequent years, the Greene family requested a permit to construct an additional 419 units in addition to the 126 units already built, totaling approximately 545 residential dwelling units.

The Greene family also developed a golf course known as the Lake Anne Country Club. The golf course has been unused for several years and the land that was previously cleared and graded for the fairways, greens and irrigation ponds is still evident. Consequently, much of the golf course area now exists as early successional field and woodland. The golf course operated until the 1990s.

The Greene family sold the property to the Applicant, Keen Equities LLC, in January of 2006. Currently, the Project Site is mostly vacant and fallow with the exception of approximately 50 structures on the northeastern portion of the Project Site and the former Lake Anne Country Club and its associated golf course. The Project Site consists of lands now located in the Village's RR and RC-I Zoning Districts.

Existing land uses within the Primary Study Area (consisting of a one-mile radius around the Project Site as defined by the Village Scoping Document) are mapped in Figures 311a and 311b and consist of a variety of residential, commercial, seasonal, school, community and recreational uses. Likewise, existing land uses within the Secondary Study Area (consisting of the towns of Blooming Grove, Chester, Cornwell and Monroe and the Town/Village of Woodbury and the villages of Chester, Cornwall on Hudson, Harriman, Kiryas Joel, Monroe, South Blooming Grove and Washingtonville as defined by the Scoping Document) are mapped in Figures 312a and 312b and consist of a variety of residential, commercial, seasonal, school, community and recreational uses as well.

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<sup>1</sup>US Court of Appeals Green v. Town of Blooming Grove and the NYS Supreme Court Appellate Division, Second Department Lake Anne v. Blooming Grove and Greene v. Payne, Wood & Littlejohn



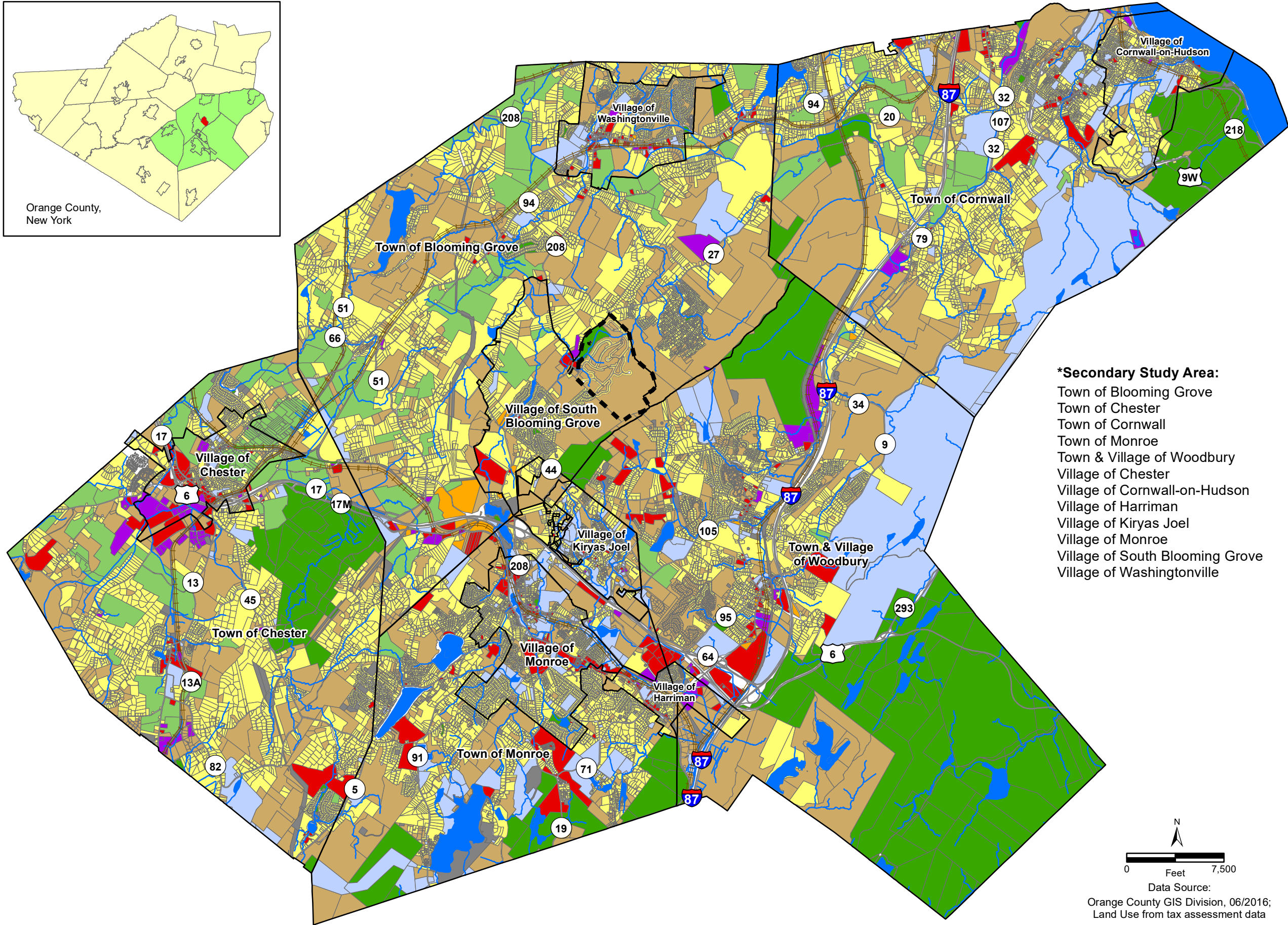
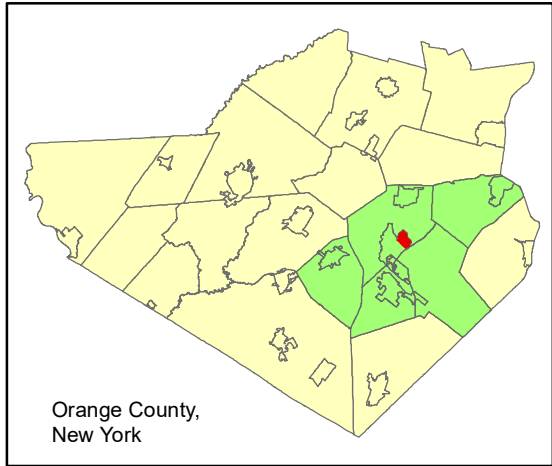






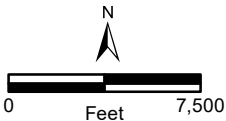






**\*Secondary Study Area:**

- Town of Blooming Grove
- Town of Chester
- Town of Cornwall
- Town of Monroe
- Town & Village of Woodbury
- Village of Chester
- Village of Cornwall-on-Hudson
- Village of Harriman
- Village of Kiryas Joel
- Village of Monroe
- Village of South Blooming Grove
- Village of Washingtonville



Data Source:  
Orange County GIS Division, 06/2016;  
Land Use from tax assessment data

Map prepared for CPC by:  
**Sarcinello Planning & GIS Services**

**Figure 312b**

**Secondary Study Area  
Existing Land Use**

With the Proposed Project

**Legend**

- Project Site
- Municipal Boundary
- Water

**Generalized Land Use**

- Residential
- Commercial
- Office
- Industrial
- Community Services
- Public Service
- Agriculture
- Parks
- Vacant



**Draft Environmental  
Impact Statement**

**Blaggs Clove**

**Village of South Blooming Grove  
Orange County, New York**



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November 21, 2017

This map is intended to be used for reference and illustrative purposes only. It is not a legally recorded plan, survey, official tax map or engineering schematic and it is not intended to be used as such. Sarcinello Planning & GIS Services makes no representation as to the accuracy of lines, points, or other features shown on this map, and assumes no liability for use of this map.



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As the Primary and Secondary Study Areas contain such a diverse array of land uses, there is no single set of uses which establish a uniform baseline for a comparison to the Project. Figures 311a and 312a show the existing land use on the Project Site, and Figures 311b and 312b show the Project Site's land use with the proposed Project. Figures 311b and 312b demonstrate that the Project's proposed land uses would be consistent with the land uses in both the Primary and Secondary Study Areas.

The land uses in the Village, in the area immediately surrounding the Project Site, consist primarily of single-family and multi-family residential dwelling units, as well as some commercial and retail stores along NYS Route 208, and some vacant land. The Project would be substantially less dense than the previously developed residential communities in the Village and in the Primary Study Area as discussed in detail in Section 3.4. A zoning map of the Primary Study Area is shown in Figure 313.

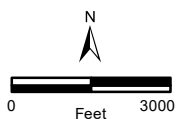
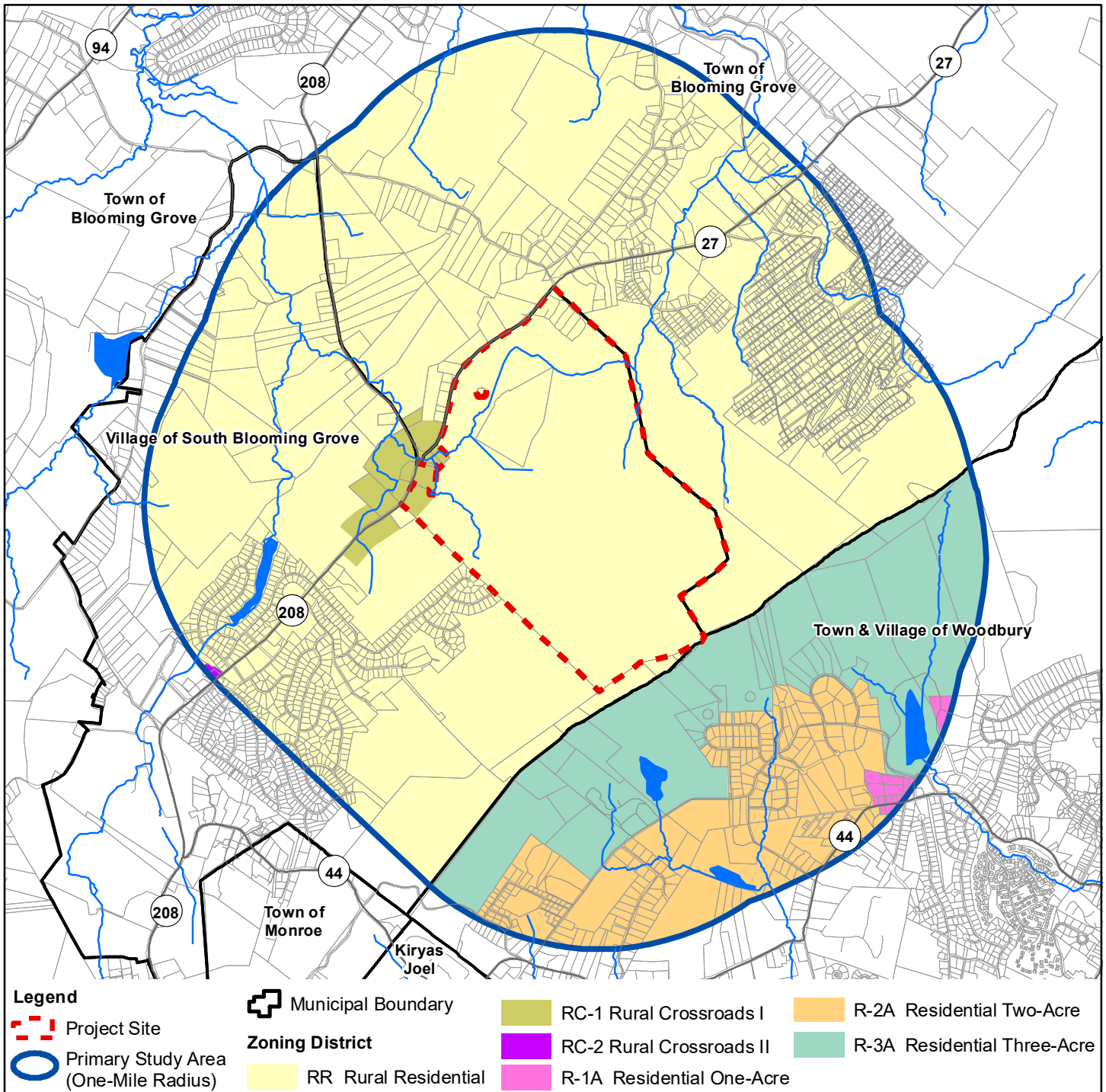
A list and map illustrating the locations of other projects expected to be developed and built in the surrounding area is set forth in Section 3.17 and in Figure 3171, which address Cumulative Impacts. These projects include residential, commercial and retail development. These projects are not inconsistent with the proposed Project and confirm that the Village and nearby areas are capable of accommodating development and are desirable locations for the type of development proposed and approved in multiple projects.

### 3.1.2 Zoning

The Zoning District in which most of the Village's parcels are situated is the Rural Residential District. The purpose of the RR Zoning District is to, among other things, "*guide residential development in a manner that is consistent with the Village's Comprehensive Plan*" as stated in the Village Zoning Code § 235-5(B)(1)(a). The RR Zoning District allows residential subdivisions in accordance with a lot count formula enumerated in Village Zoning Code § 235-14.1(A). As set forth below, the Project's proposed lot count is consistent with the Village Zoning Code and, hence, is also consistent with the Village's Comprehensive plan.

Approximately 80% of the parcels within the RR Zoning District have been developed with single-family homes on lots less than 0.5 acre in size and some multi-family condominiums with a development density of approximately 15 units per acre. The Village's RR Zoning parcels and development are further detailed in Section 3.4 and illustrated in Figure 345. The following is a summary of these developments: the Worley Heights, Capitol Hill and Merriewold Lake Subdivisions consist of approximately 760 residential lots/homes (approximately 300 homes in Worley Heights, 125 homes in Capitol Hill, and 335 homes in Merriewold Lake) which are situated on approximately 440 acres of land with an average density of approximately 1.73 dwelling units per acre (or one unit per 0.58 acre); and Stone Gate Condominiums: 250 multi-family dwelling

**Figure 313: Primary Study Area Zoning Map**



Data Source:  
Orange County GIS Division, 06/2016  
Zoning from municipal zoning maps  
Map prepared for CPC by:  
**Sarcinello Planning & GIS Services**  
November 21, 2017



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Impact Statement**

**Blaggs Clove**

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units in nine apartment buildings on 17 acres of land, which is a density of 15 dwelling units per acre. The overall development density of these developments is one dwelling unit per 0.45 acres.

The Village Zoning Code allows a development density of between one dwelling unit per two or ten acres in the RR Zoning District. The Zoning Code permits the base lot count to be increased if certain standards are met, such as construction of homes to LEED standards, provision of affordable housing, and preservation of open space in excess of 50% of the project site. The Zoning Code authorizes a maximum achievable density of approximately one unit per 1.33 acres. This adjusted base lot count, however, is not applicable to the existing developments in the Village because they were not built to LEED standards, do not include affordable housing and have not allocated even the requisite open space. The Village's existing density of one dwelling unit per 0.45 acres within the RR Zoning District is a minimum of four times and a maximum of twenty times greater than the range of densities allowed for new developments in the Village's RR Zoning District.

The remaining parcels within the RR Zoning District contain approximately 130 single-family homes on underdeveloped parcels, as well as undeveloped tracks of vacant land.

The Project Site consists of approximately 708.2 acres of land. Approximately 702 acres of land is within the RR Zoning District, and the remaining 6.2 acres of land is within the RC-I Zoning District, as shown in the Village's Zoning Map in Figure 314a. In addition, portions of the Project Site are located within the following Overlay Districts: Scenic Viewshed ("SV"), Ridgeline ("RL"), Scenic Roads ("SR"), Surface Water ("SW") and Significant Biological ("SB"), which are mapped in Figure 314b.

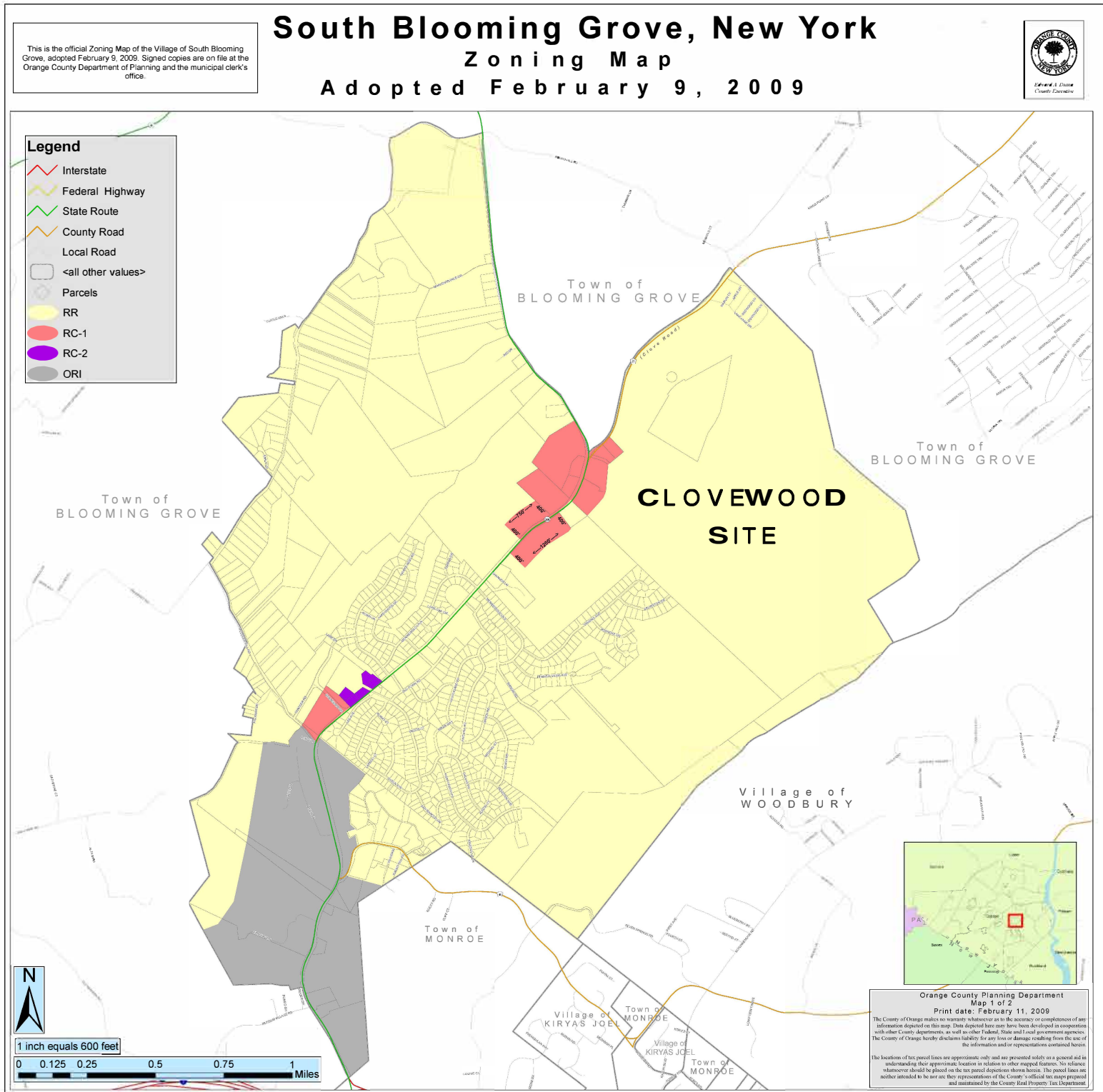
### RR Zoning District

Village Zoning Code §235-14.1.A(1) and (2) establish the following multi-step process for determination of the maximum permitted number of lots.

*Step 1. Prepare a Land Conservation Analysis including primary and secondary conservation areas and research the approvals of adjoining and nearby developed properties to determine whether prior approvals required preservation of open space or included other development limitations that may affect the site proposed for development, and the legal status of it.*

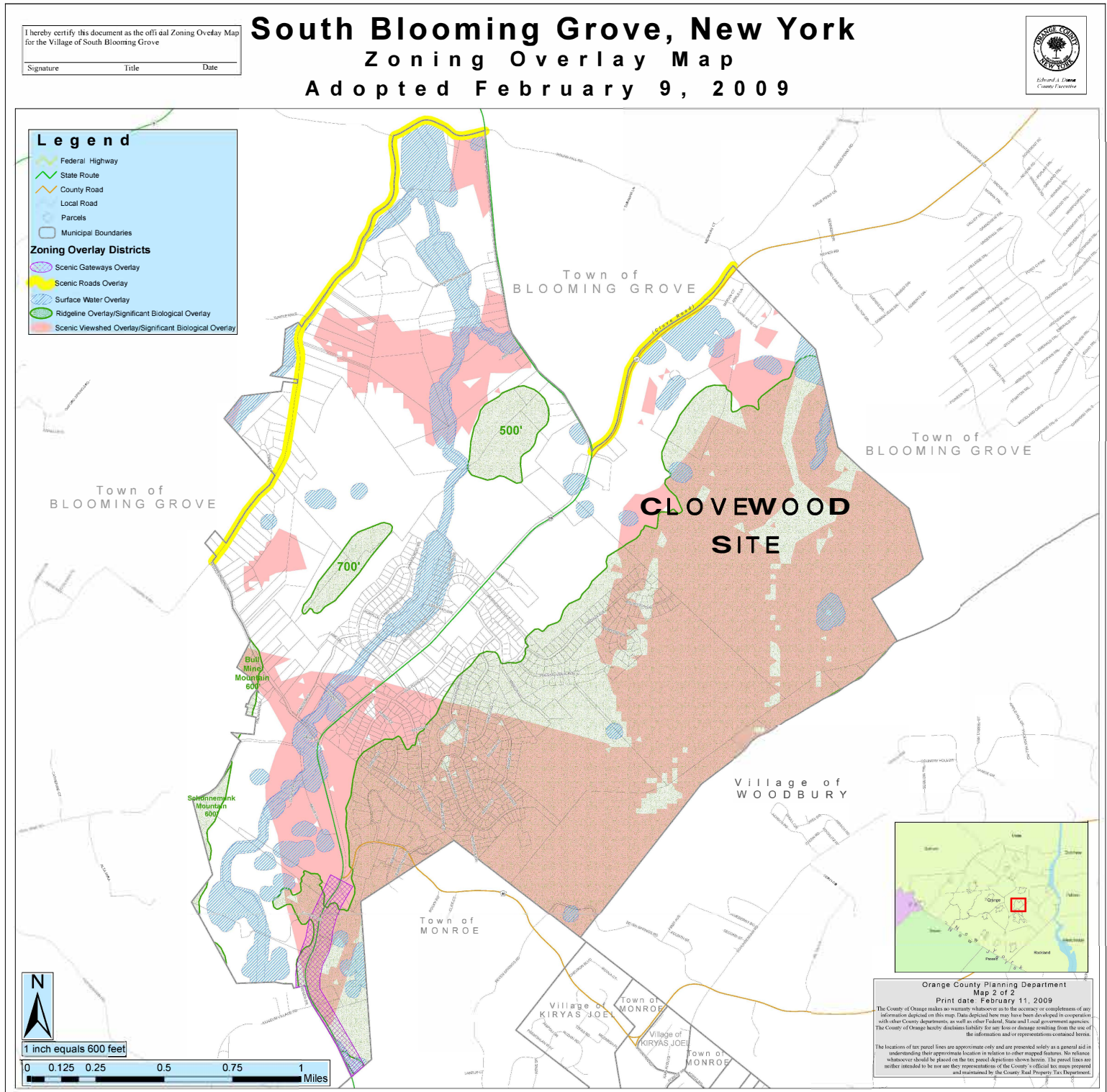
A Land Conversation Analysis was prepared for the Project and submitted to the Village and research of the approvals for adjoining and nearby developed properties was conducted and determined prior approvals of these properties had not required the preservation of open space or any other development limitations that would affect the Project Site and its proposed development. The Land Conservation Analysis is summarized below. Figures 315a and 315b illustrate the

## Figure 314a: Village Zoning Map





# Figure 314b: Village Zoning Overlay Map



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Project layout with the Project Site zoning (315a) and existing conditions (315b) in order to complement the Land Conservation Analysis.

### Primary Conservation Areas:

- Wetlands, Watercourses and Surface Waterbodies: 37.48 acres (see Appendix E).
- One-Hundred-Year Floodplains: None (see Appendix I).
- Cemeteries: None. The Howell Cemetery a/k/a Round Hill Cemetery is an out parcel not owned by the Applicant and not included in the Project Site acreage calculation.
- Designated Critical Environmental Areas: None. (See Section 1.3)
- Identified Habitat Areas for Threatened or Endangered Flora or Fauna: 182.3 acres (see Appendix C)

### Secondary Conservation Areas:

- Areas of Steep Slopes: Steep slopes are defined in the Village Zoning Code as “*Areas with an average slope equal to or greater than 25% with a minimum area of 200 square feet and a minimum width perpendicular to the contour of 10 feet.*” These areas are located primarily along the ridge area in a section of the Project Site not intended for development. The Project’s steep slopes are mapped in Figure 315a.
- Overlay Districts: Discussion of the Overlay Districts is found below. However, they would have no impact upon the Project’s development as the Project would comply with all Overlay District regulations. They are mapped in relation to the Project Site in Figure 315a.
- Farmland: There is no farmland currently in use on the Project Site (see Section 3.7 and Figures 373 and 374).
- Park and Recreation Land: The Project Site is currently not used for recreational purposes, including parks.
- Fragmented Forest Land: The Project Site consists of forested lands; however, the Project’s development would occur on approximately 140 of the 708 acres of land, including the 22 acres previously disturbed by existing dilapidated structures and approximately 60 acres previously disturbed by the former Lake Anne Golf Course, thereby limiting the overall Project’s disturbance to just approximately 60 acres, which would only be approximately 8% of the Project Site. Accordingly, the impact to forested lands would not be significant and forest fragmentation would be limited.
- Historic and Archaeological Sites identified in the Village’s Comprehensive Plan: The Project would not impact any sites of historical significance as detailed in Section 3.5 and Appendix B. The Town Comprehensive Plan identifies the aforementioned Round Hill Cemetery, which the Project would not impact.
- Buffer Areas: The Project would include a 100’ foot buffer on Clove Road as required by the regulations in the Scenic Roads Overlay District detailed below.



**Figure 315a - Subdivision  
Layout with Zoning &  
Overlay Districts and  
Steep Slopes**

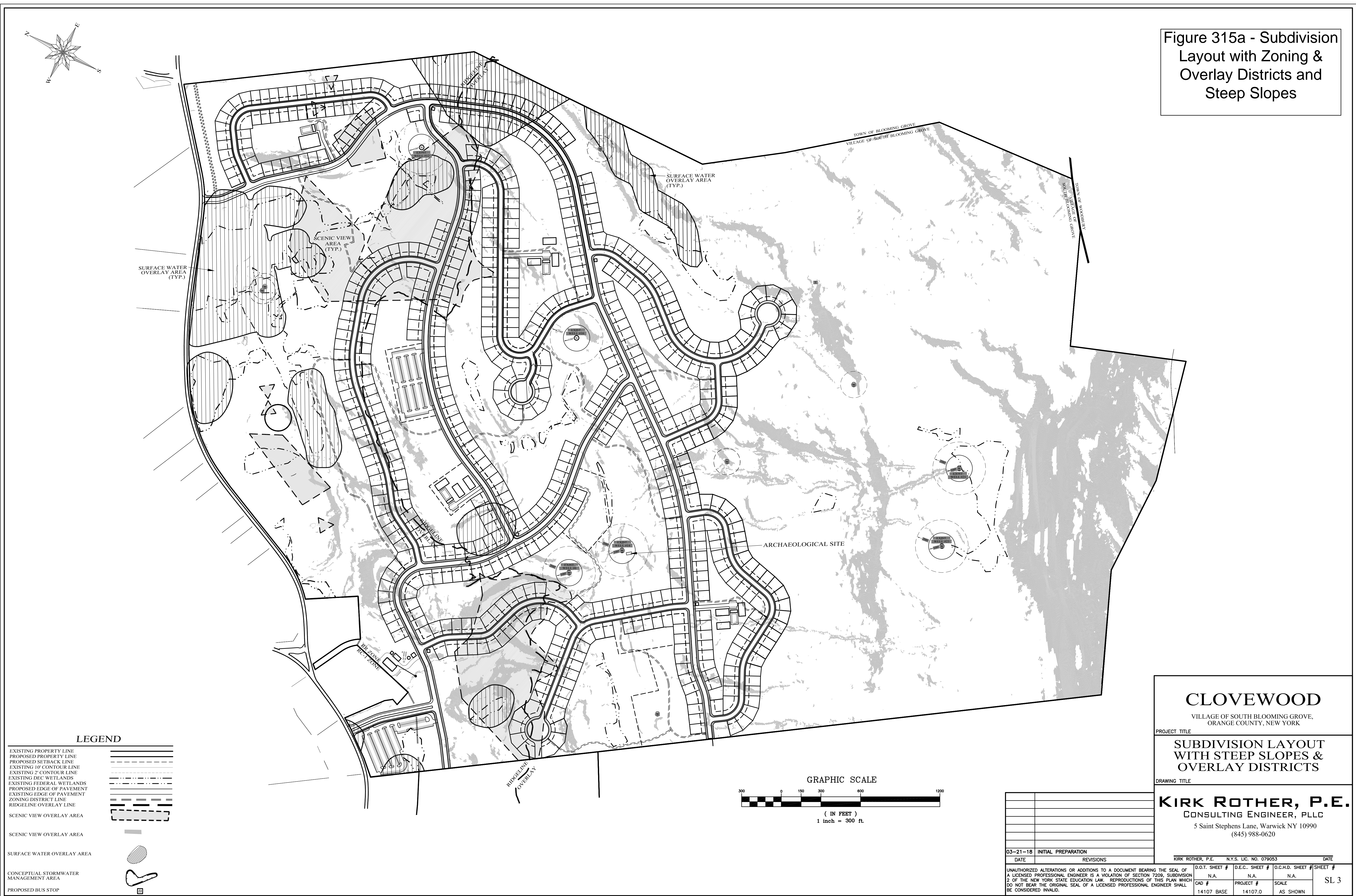
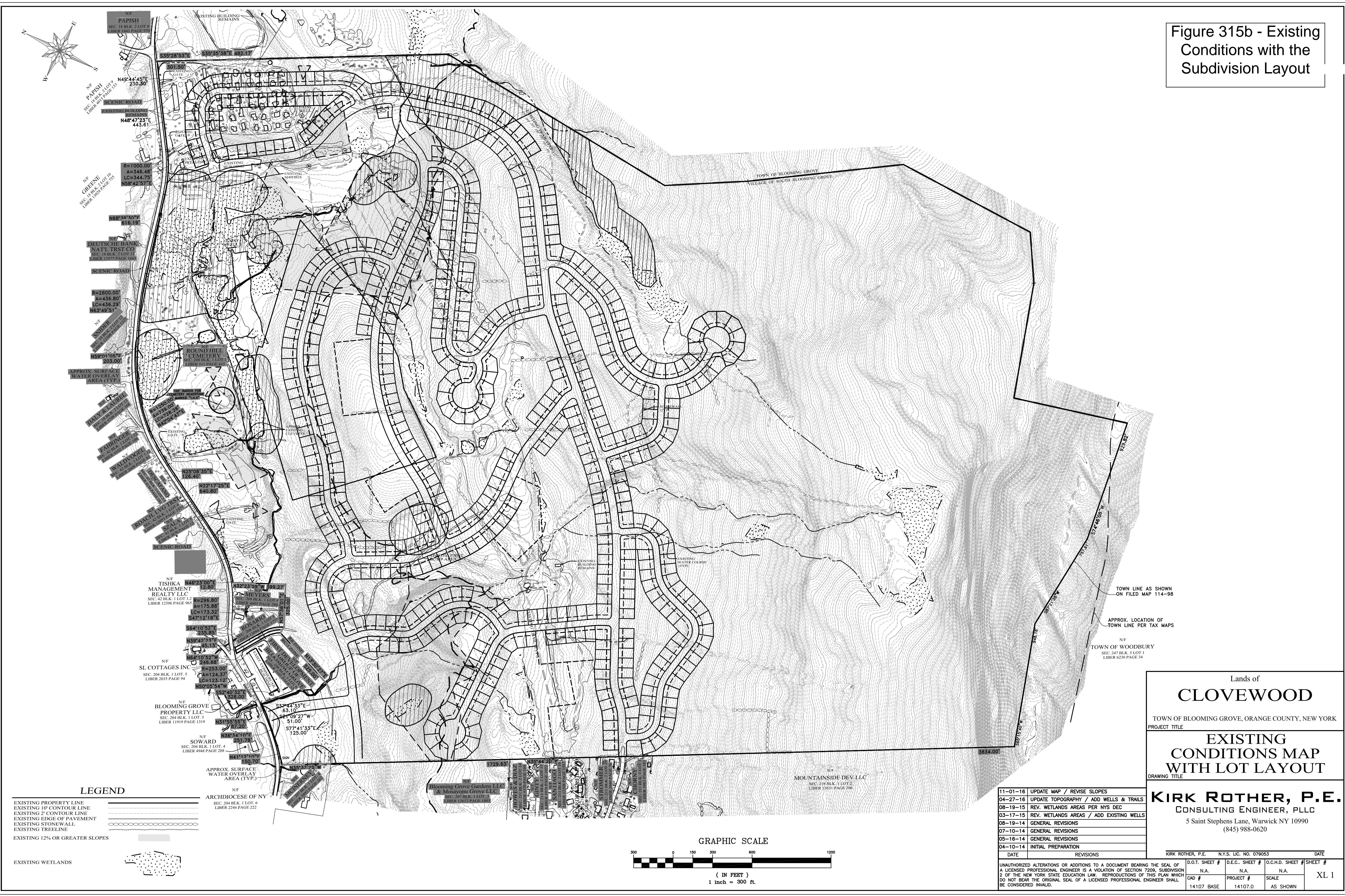




Figure 315b - Existing Conditions with the Subdivision Layout





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- Stone Walls: The Project Site contains some stone walls mapped in Figure 315b, many of which are located outside of the area to be developed by the Project, and the Project would try to avoid those located within the area to be developed to the greatest extent practicable.
- Hedgerows and Large Trees: Most of the trees exceeding 12 inches in diameter are located on the ridge of the Project Site and would not be disturbed by the Project. In addition, there are a limited number of hedgerows on the Project Site that, most of which are outside of the areas to be developed or already located in areas previously disturbed. As stated above, most of the development would occur on lands previously disturbed; however, the Project would avoid, to the greatest extent practicable, disturbance of hedgerows and large trees.

Step 2. *Subtract the acreage of all primary conservation area lands from the total site acreage, and calculate a preliminary lot count at a density of one dwelling unit per buildable acre.*

The Project's Primary Conservation Areas were calculated and consist of approximately 220 acres as outlined in Table 311. As a result, the preliminary lot count at a density of one dwelling unit per acre of the 702 acres within the RR Zoning District after subtracting the Primary Conservation Areas equals a density of 482 dwelling units (702 minus 220).

<b>Table 311</b>	
<b>Cloewood's Primary Conservation Areas (in acres)</b>	
Wetlands, Watercourses & Surface Waterbodies(1)	37.48
100 Year Floodplain (2)	None
Cemeteries (3)	None
Designated Critical Environmental Areas (4)	None
Identified Habitat for Threatened and Endangered Flora & Fauna (5)	182.3
<b>Total Primary Conservation Areas</b>	<b>219.78</b>
(1) Appendix E; (2) Appendix I, I-1 FEMA Flood Insurance Rate Map; (3) Appendix B; (4) See 3.1.2(f); (5) Appendix C	

Step 3. *Locate and design the proposed wastewater system according to the regulations, and determine the number of lots able to be supported by the system.*

The Project's proposed wastewater system was located and designed according to regulations and an analysis detailed in Appendix I determined the system would be able to support more than 600 residential lots.

Step 4. *Locate and report the production capacity of the test water supply wells, and determine the number of lots able to be supported by the water availability.*

The Project's water supply wells were located and an analysis of their production capacity reported and determined the water availability would be able to support more than 600 residential lots as detailed in Sections 3.8 and 3.9 and Appendices F and G.

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Step 5. *The base lot count shall be the lowest of the lot counts established in Steps 2, 3 and 4, and that the gross density shall not exceed one dwelling unit per two acres.*

As the Project's lot count established in Steps 2 through 4 exceeds one dwelling unit per two acres, the Project's base lot count would still be restricted to one dwelling unit per two acres. Hence, as the Project allocated 680 acres of the 702 RR Zoning District acres for residential development (the remaining 22 acres are reserved for future development with no plans for its development at this time) the Project's established base lot count for its RR Zoning District lands totals 340 dwelling units (one dwelling unit per 2 acres).

In order to encourage the development of affordable housing, public recreational facilities, and open space preservation, the Village Zoning Code §235-14.1.A(3) provides for an increase to the base lot count if one or more of such public benefits are included in a proposed project. The adjusted base lot count shall not exceed the lower of the wastewater capacity lot count, the water supply lot count or 1.5 times the established base lot count. The adjusted base lot count may be increased by any one of, or combination of, the following: (a) 10% for provision of 10% affordable housing units of the base lot count; (b) 5% for provision of each additional 10% open space (calculated from net area after deducting the 50% open space); and (c) 10% for adherence to NYS Energy Star, low-impact development guidelines, or US Green Building Council LEED standards.

<b>Table 312</b>		
<b>Adjusted base lot count (RR Zoning District)</b>		
<b>Description</b>	<b>Additional Dwelling Units</b>	<b>Total</b>
<b>Base lot count</b>		<b>340</b>
Additional 10% for 10% Affordable Housing Units	34	
Additional 10% for LEED standards	34	
Additional 30% (6 x 5%) for additional 60% (6 x 10%) Open Space*	102	
<b>Total Additional 50% (1.5 times)</b>	<b>170</b>	<b>170</b>
<b>Project's Adjusted Base Lot Count (RR Zoning District)</b>		<b>510</b>
*The base, or net, amount of open space is 50% of the development site and would total 340 acres. Therefore, each additional 5% increase in dwelling units will need to add 34 additional acres (340 net acres x 10%) of open space. Accordingly, the 30% additional 102 (6 x 17) dwelling units would result in an additional 204 (6 x 34) acres of open space.		

Although the wastewater and the water supply lot counts may exceed 1.5 times the established base lot count the Project's adjusted base lot count would still be restricted to not exceed 1.5 times the base lot count (340 x 1.5). Accordingly, the Project's adjusted base lot count for its RR Zoning District lands would total 510 (340 +170) dwelling units (one dwelling unit per 1.33 acres) as illustrated in Table 312.

### RC-I Zoning District

According to the Village Zoning Code §235-14.2.A one single-family dwelling unit per 3,000 square feet of lot area may be developed on RC-I Zoning District lands. Since the Project Site

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contains 6.2 acres (270,072 square feet) of RC-I Zoning District Lands, 90 single-family dwelling units would be permitted to be developed. Village Zoning Code §235-14.2.B also allows one two-family dwelling unit per 5,000 square feet of lot area in the RC-I Zoning District yielding 54 two-family dwellings, totaling 108 dwelling units on 6.2 acres of land, which would be 18 more dwelling units than proposed by the Project. In addition, in accordance with §235-14.2(J) the RC-I generated 90 dwelling units would be located on lands zoned RR. Thus, the Project would include a total of 600 single-family homes as detailed in Table 313 below. In accordance with the Village Zoning Code, 10% (9) of the RC-I dwelling units would be affordable.

<b>Table 313</b>			
<b>Clovewood Permitted Residential Dwelling Units</b>			
<b>Zoning District Description</b>	<b>Dwelling Unit Type</b>		<b>Total Dwelling Units</b>
	<b>Market Rate</b>	<b>Affordable</b>	
RR Zoning District Adjusted Base Lot Count	476	34	510
RC-I Zoning District Base Lot Count	81	9	90
<b>Total Permitted Residential Dwelling Units</b>	<b>557</b>	<b>43</b>	<b>600</b>

### Overlay Zoning Districts

According to the Village Zoning Code §235-14.4.B and F, the SV and SB district regulations are enacted with the intent of providing an equitable balance between the rights of individual property owners to reasonably use private property and the rights of present and future generations of the public or the recognized public goal of protecting wildlife and natural communities, and recognizes the rights of property owners to use their property for reasonable purposes consistent with the regulations that such use does not result in a significant loss or impairment to the scenic resource of the function it fulfills or the wildlife and natural community that is intended to be protected.

The following requirements are imposed for lands within Overlay Districts: (a) a visual assessment shall be submitted unless waived by the Planning Board; (b) a biodiversity analysis shall be submitted unless waived by the Planning Board; (c) in the RL Overlay District, no structure with a height of greater than 25 feet, or a footprint greater than 2,500 square feet for a two-story house or 5,000 square feet for a one-story house shall be constructed; (d) in the SV and RL Overlay Districts, on any wall or roof surface, brown, green, gray, or other earth-tone colors, and stone or natural wood materials is encouraged, while white, light, and bright colors, brightly finished metal, and glossy surface reflective materials are discouraged; and (e) in the SR Overlay District, a continuous vegetated buffer, agricultural use, or open field, at least 100 feet deep, shall be maintained.

The Project would conform to all of the design standards mentioned above: (a) a Visual Assessment has been prepared which is summarized in Section 3.14 and found in Appendix K; (b) a biodiversity analysis has been prepared, which is summarized in Section 3.6 and found in



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Appendix C; (c) home footprints and heights would conform with applicable height and size restrictions, and the homes located within the RL Overlay District would not be greater than 25 feet in height or have a footprint of greater than 2,500 square feet as illustrated in the Site & Floor Plans included in Section 2.20; (d) brown, green, gray, or other earth-tone colors, and stone or natural wood materials on wall and roof surfaces would be utilized, which are also illustrated in the Site & Floor Plans included in Section 2.20; and (e) a 100 foot vegetated buffer on Clove Road in the SR Overlay District would be provided.

### Open Space

According to Zoning Code §235-14.1.A.(4)(a) a minimum of 50% of the total development site area shall be permanently preserved as open space and may include primary and/or secondary conservation areas. Per Zoning Code §235-4, the definition of open space is the percentage of the land area not covered by the combined area of all buildings, structures and paved areas on all or that portion of the lot within the same zoning district as the main building. In addition, open space areas may not include parking areas or roads according to §235-14.1.C.

Per Zoning Code §235-14.1.C(3)(m) open space areas shall be preserved in their natural state and the use of such areas shall be limited to appropriate conservation and recreation purposes. However, a portion of the open areas, up to 10% of the total area of the proposed plat (overall development area) may be designated active recreation area where structures and facilities for active recreational purposes may be constructed and operated for the use of property owners and their guests. Active recreation areas are defined in §235-4 and include indoor cinemas, indoor health and exercise facilities, indoor and outdoor tennis courts, indoor swimming pools, racquet ball and squash courts, etc. Also, according to Village Code §235-14.1.C(3)(n) and §120-2.A, a preserved conservation area of 8.5% of the total land area of the site plan shall be reserved and set aside for public parkland, playground and/or recreation purposes.

In accordance with these requirements, the Project would preserve 340 acres of open space plus an additional 204 acres of open space preserved for the purpose of increasing the adjusted base lot count detailed above, giving rise to a total of 544 acres of preserved open space. The Project's open space would be preserved in accordance with the Village Zoning Code §235-14.1.C(2). This open space would include approximately 70 acres of active reaction area and approximately 60 acres of public parkland, leaving the remaining approximately 414 acres of open space as passive open space. The Project's total development area would be approximately 142 acres (the remaining 22 acres of the Project Site being reserved for future development) and would include approximately 22 acres previously disturbed by existing dilapidated structures and approximately 50 acres previously disturbed by the former Lake Anne Golf Course, thereby limiting the overall Project's Site's new area of disturbance to approximately 70 acres.

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The Village currently has no public parkland, so the Project's 60 acres of public parkland to be dedicated to the Village would be a significant contribution to public recreation and enjoyment and would be a vast improvement in terms of meeting the recreational needs of the existing Village population. Thus, the proposed public parkland would address a long unmet need for Village parkland and significantly improve public recreational amenities in the Village. It would be easily accessible by all Village residents, with frontage directly on Clove Road.

Accordingly, as per the analysis detailed above, the Project's 600 proposed single-family dwelling units would conform with all applicable Zoning Code Regulations and no variance is required. Therefore, the Project would not have the potential to generate any significant adverse impacts upon land use and zoning and no mitigation would be required.

### Bulk Requirements

The Village Zoning Code does not have specific bulk requirements for the RR Zoning District, and the bulk requirements would be determined during the subdivision process by the Village Planning Board. The proposed bulk requirements submitted to the Village Planning Board are included in Section 2.1 and summarized in Table 314 following.

<b>Table 314</b>		
<b>Cloewood's Proposed Bulk Requirements</b>		
<b>Description</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Size	Determined during subdivision process by the Planning Board	7,000 s.f.
Minimum Frontage	Determined during subdivision process by the Planning Board	60 feet*
Maximum Building Coverage	Determined during subdivision process by the Planning Board	50%
Minimum Front Yard Setback	Determined during subdivision process by the Planning Board	30 feet
Minimum Side Yard	Determined during subdivision process by the Planning Board	15 feet
Minimum Rear Yard Setback	Determined during subdivision process by the Planning Board	15 feet
Maximum Height (In Stories)	2 stories	Same
Maximum Height (In Feet)	35 feet	Same**
*Minimum frontage on curved lots shall be measured at the front of the setback line		
**Ridgeline Overlay District would be only 25 feet, as restricted by the Village Zoning Code §235-14.4(a)[2]		

### **3.1.3 Public Policy**

The following summarizes public policies applicable to the Project and analyzes the Project's consistency with and potential impacts upon such applicable policies, specifically considering the following plans and policies: the Village Zoning Code (derived from the Town Comprehensive Plan), Orange County Comprehensive Plan, Orange County Open Space Plan, Orange County Water Master Plan, Southeast Orange County Traffic and Land Use Study, and the Mid-Hudson Regional Sustainability Plan.

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### Local Policies

The Village Zoning Code §235-3.A implements twelve policies for land use in the Village, and below is a list of those policies. Since the Project is consistent with the Zoning Code, it is intrinsically consistent with such policies. Nonetheless, each policy goal detailed below is followed by a statement confirming the Project would comply with each, citing where the DEIS addresses such compliance.

(1) *“The guidance of population growth and development in South Blooming Grove so as to maintain the Village's rural character.”* The Project would maintain the Village’s character as detailed in Section 3.4.

(2) *“The establishment of adequate land use planning policies and development standards to ensure a balanced and orderly pattern of future growth, economic stability and environmental protection.”* The Project would ensure a balanced and orderly pattern of future growth and economic stability as detailed in Section 3.2, as well as environmental protection as detailed in Sections 3.6 and 3.8.

(3) *“The formulation of Village land use development policies to ensure that future growth is coordinated with the Village's ability to provide adequate community facilities and services, particularly water and sewer service.”* See Section 3.3 regarding community facilities and services and Sections 3.8 and 3.9 and Appendices F, G and I regarding water and sewer service.

(4) *“The accommodation of South Blooming Grove's present and future population by encouraging the development of an appropriate variety and quantity of sound housing to serve various age and economic groups, in accordance with local, County and regional considerations.”* The Project would accommodate present and future population and develop an appropriate variety and quantity of sound housing, including affordable housing units and the potential for accessory apartments, to serve various age and economic groups, including the Satmar Hasidic community in accordance with local, County and regional considerations.

(5) *“The orderly but limited expansion and addition of land uses consistent with the predominant character of the community, which should be encouraged.”* The Project would be consistent with the predominant character of the community as detailed in Section 3.4.

(6) *“The provision of a safe, adequate and efficient roadway network by builders, where appropriate, and by the Village in order to serve the various types and intensities of traffic generated by the proposed pattern of land use within the Village.”* The Project would provide a safe, adequate and efficient roadway network to serve the various types and intensities of traffic generated as detailed in Section 3.11.



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(7) *“The preservation of historic features and sites of South Blooming Grove to maintain its pleasant, rural setting and to enhance the appearance of the Village.”* The Project would preserve historic features and sites as detailed in Section 3.5 and Appendix B.

(8) *“The preservation and availability for public use, where appropriate, of the natural features of South Blooming Grove, i.e., its parks, lakes, ponds, waterways and wooded hills, which give it a pleasant, open setting and which serve, collectively, as an attractive background for the more developed areas of the Village and region.”* The Project would preserve natural features including parks, lakes, ponds, waterways and wooded hills as detailed in Section 2.0. Moreover, the Project would dedicate approximately 60 acres of public parkland to the Village for use by its residents.

(9) *“The control of environmental degradation and the establishment of high standards of environmental quality in public and private development.”* The Project would adhere to high standard of environmental quality in public and private development through compliance with the Village requirements in the Overlay Districts as well as through the incorporation of LEED standards as detailed in 3.1.2 above.

(10) *“The provision of a pleasant community in which people can live, work and pursue leisure activities and the securing and preserving of open space to ensure the foregoing.”* The Project would provide a pleasant community for its residents to live, work and pursue leisure activities with the preservation of open space as detailed in 3.1.2 above.

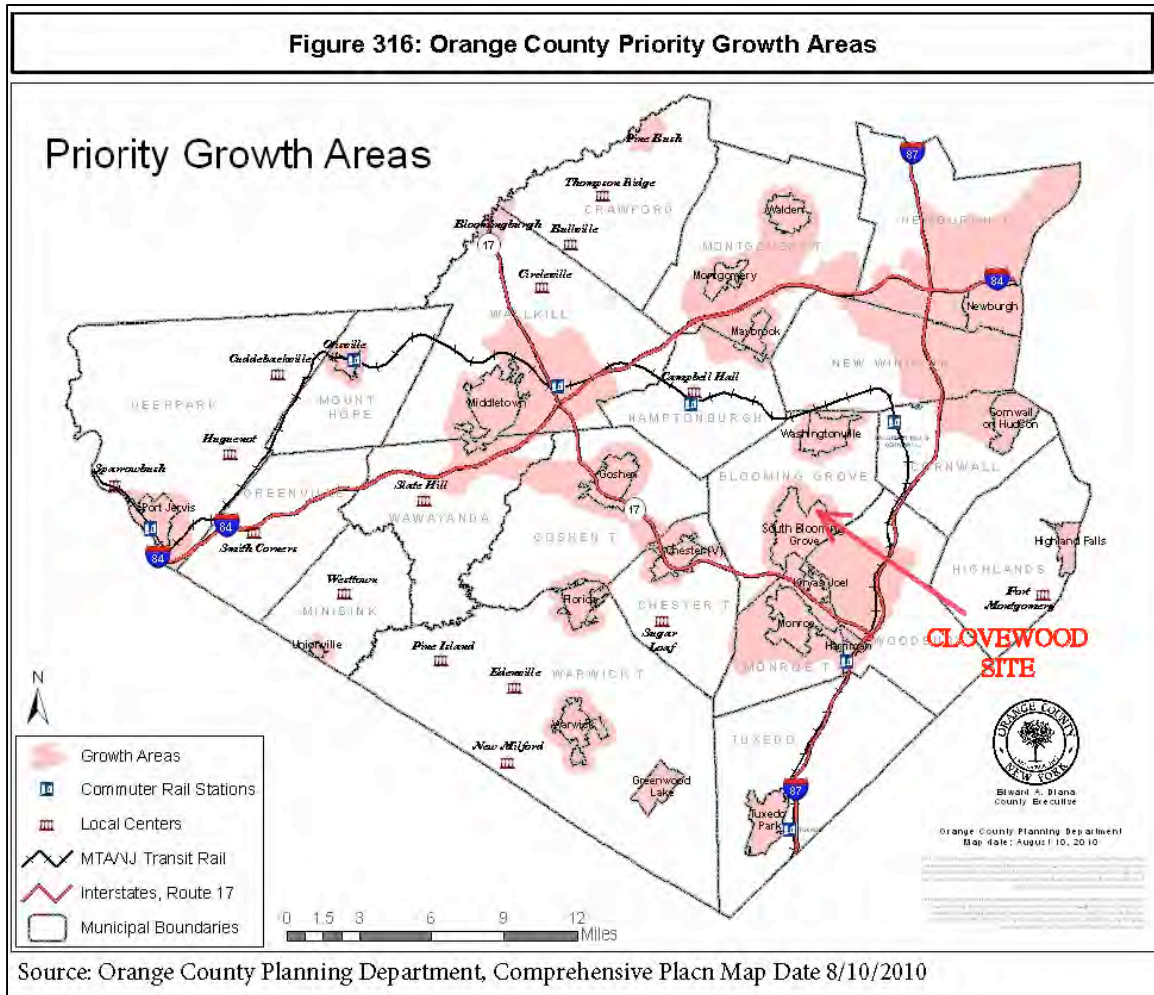
(11) *“The protection and preservation of surface and subsurface water so as to ensure an adequate supply of potable water.”* The Project would protect and preserve surface and subsurface water to ensure an adequate supply of potable water as detailed in Sections 3.8 and 3.9 and in Appendices F, G, H and I.

(12) *“The accommodation of new growth without the loss of the rural character which has long been one of the attractions of the Village. The Village supports its agricultural community and the practices necessary to keep agriculture healthy in South Blooming Grove. This is one of the basic ways to retain the Village’s open spaces.”* The Project would maintain the character of the area as discussed in Section 3.4 and would not impact its agricultural community nor the practices necessary to keep agriculture healthy in the Village as detailed in Section 3.7. Moreover, the Project would include open space as detailed in 3.1.2 above.

### County Policies

The Orange County Comprehensive Plan specifically identifies the Village and the area of the Project Site as a Priority Growth Area within the County, as the following excerpted map in Figure 316 illustrates.

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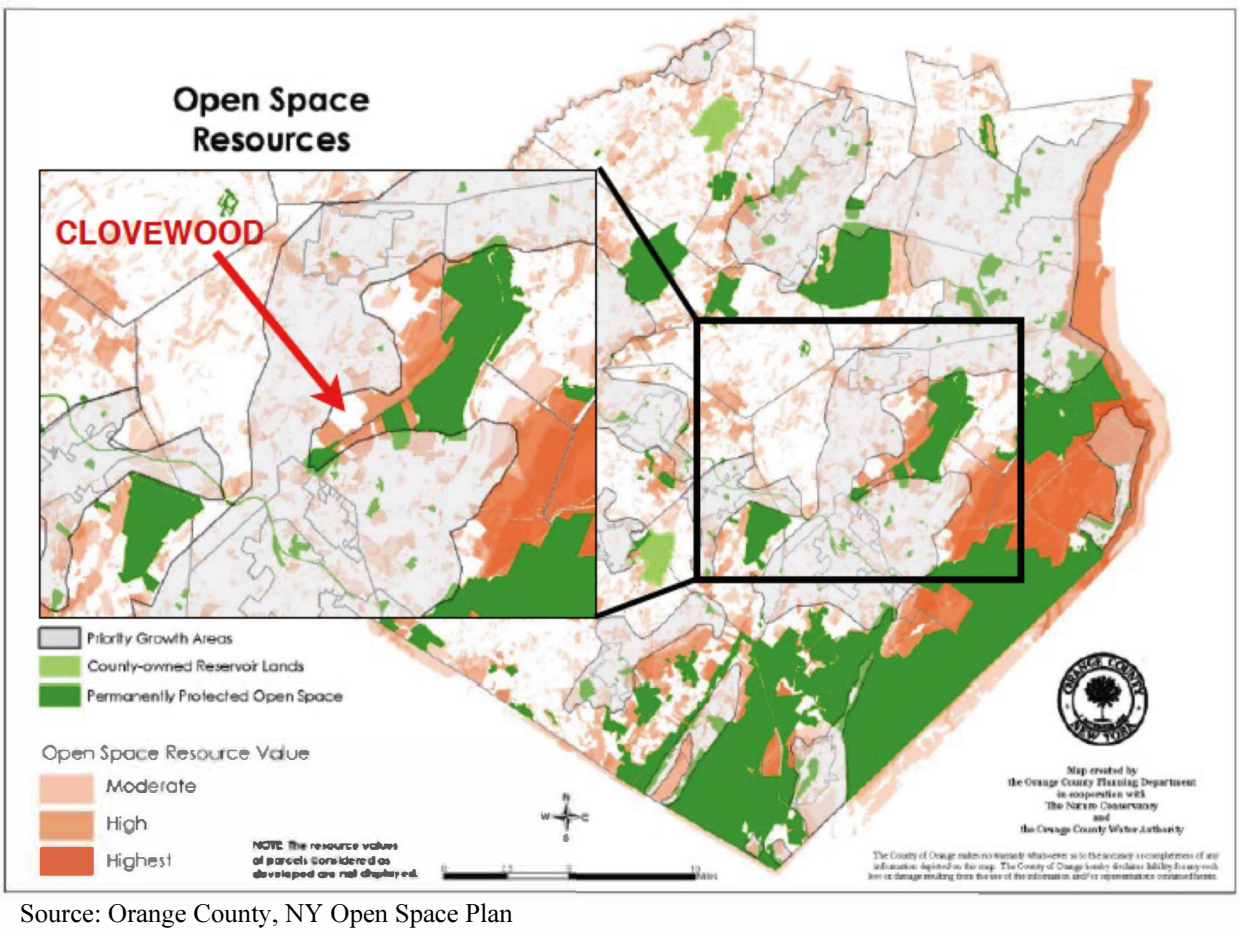


The Orange County Comprehensive Plan states the following about these Priority Growth Areas: *“It is within the boundaries of the Growth Areas that the County encourages additional urban / village growth, such as higher density residential, commercial and certain industrial uses, and other community services... Priority should be given to the Growth Areas, and specifically the Villages and Cities within them, for County support, incentives, and investment in water and sewer infrastructure improvements/extensions, sidewalk construction, transportation infrastructure, opportunities for transit-oriented development, housing, and commercial development.”*

The Orange County Open Space Plan indicates that the Project Site is an area within Orange County that is not designated as having any particular open space resource value as shown in Figure 317. The Orange County Water Master Plan acknowledges the Village, including the area of the Project Site, to be a priority growth area and illustrates data related to the Village’s water supply. The Project would have sufficient water supply whether the Project’s wells are or are not incorporated into the Village’s municipal water supply system as discussed in Section 3.8 and 3.9 and Appendices F and G.

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Figure 317: Open Space Resource Map



The Southeast Orange County Land Use Study focused on this area of the County, including the Project Site, as an example of how this Priority Growth Area should develop. The development proposed by this example in Figure 318 is similar to the development proposed for the Project, which would contain greenbelt open space preservation interspersed amongst the proposed homes.

### Regional Policy

The Mid-Hudson Regional Sustainability Plan identifies key building blocks for sustainable development including a diverse natural environment, a vibrant economy, strong transportation accessibility and connectivity, and numerous existing centers to provide residents with an exceptional quality of life. The Project would be consistent with all of these and the goal of this plan as it would include a diverse natural environment through its preservation of open space and inclusion of public parkland; add to the economy through construction jobs and local economic spending of its residents as detailed in Section 3.2; provide for a walkable community and include transportation improvements as detailed in Section 3.11; and include active recreational areas for



Figure 318: Southeast Orange County Land Use Study Excerpt

## OPPORTUNITIES FOR NEW VILLAGE CENTERS

### BLOOMING GROVE RURAL CROSSROADS

Development in the new village-scale center only takes place on the most appropriate lands for construction. The river valleys, wetlands, steep slopes, and ridgelines act as a framework within which the development occurs. These protected landscapes act as a greenbelt around the center, buffering it from surrounding developments. The added value to the center through trails, views, and overall quality of life.

A mixed-use and walkable node is created at the intersection of Route 208 and Clove Road. Traffic-calming measures are implemented at this intersection to slow traffic and even divert it to other routes. Alternatives to this intersection are provided by the new grid, formed by the streets of this new center. Traffic calming in the walkable core ensures that pedestrian activity is maximized.

There are several additional opportunities across the rural landscape of Blooming Grove to create new hamlet or village-scale centers. These walkable nodes will allow for a certain number of trips to be made by means other than the automobile and will enable large-scale landscape preservation while accommodating the same amount of development in the Town.

Three of these locations have been identified in the Town's most recent zoning ordinance. Rural Crossroads Districts were established at the intersections of Route 94 and Orrs Mill Road in Salisbury Mills, Route 208 and Clove Road, Route 208 and Mountain Lodge Road, and Route 94 and Farmingdale Road. Each of these intersections represents an opportunity to create a walkable node of mixed-use development, capturing a good share of Blooming Grove's residential and small-scale commercial development.

This case study examines the intersection of Route 208 and Clove Road in South Blooming Grove. By shifting development from one portion of a site to another, transferring development rights between parcels, and constructing a variety of mixed-use and residential building types, a more sustainable alternative to sprawling and automobile dependent rural development is achieved.



Source: Southeast Orange County Land Use Study by the Regional Plan Association

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its residents, all of which would provide its residents with an exceptional quality of life while meeting immediate present and future local and regional housing needs.

Moreover, specifically in regards to land use, the Plan states, “*Denser communities significantly reduce the amount of investment needed to build and maintain infrastructure, while freeing up land for productive use, conservation, and/or recreation.*” The Project as proposed would disturb approximately 140 acres of the Project Site and include preserved open space, public parkland, and recreation areas consistent with this Plan.

The Mid Hudson Regional Sustainability Plan indicates a policy goal of reducing the number of acres per capita from 0.31 acres to 0.20 acres by 2050. The Village consists of approximately 3,188 acres of land and according to the U.S. Census, and its population is 3,182 persons, which results in slightly over one acre per capita. The Project, which consists of 708.2 acres of land, would have 0.23 acres per capita under Scenario No. 1 and 0.45 acres per capita under Scenario No. 2 according to the projected population detailed in Table 327 of Section 3.2. As a result, the Village, including the Project, would be more consistent with this Plan and have 0.51 acres per capita under Scenario No 1 and 0.67 acres per capita under Scenario No. 2. This would help bring the Village’s acres per capita closer to the Mid Hudson Regional Sustainability Plan’s policy goal and is much more consistent than the Village’s current data of just over one acre per capita. Population from potential accessory apartments would change the Village’s overall acres per capita to 0.46 acres under Scenario No. 1 and 0.62 acres under Scenario No. 2. This concept is further analyzed in Section 3.4.3, specifically as data for persons per square mile (640 acres equals one square mile).

As the Project is consistent with the local, County and regional public policies, the Project would not have the potential to generate any significant adverse impacts upon public policy and no mitigation would be required.

In conclusion, as detailed in the analysis above, the Project, which is consistent with land uses in the area, the Village Zoning Code and local, County and regional public policies, would not have the potential generate any significant adverse impacts in these regards. The foregoing analysis confirms that the conclusion reached by the Village Board when the extant Zoning Code was adopted is still applicable and accurate: the development allowed under the applicable zoning would not have the potential to generate any significant adverse environmental impacts upon land use, zoning and public policy; therefore, mitigation is not necessary.