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July 27, 2005

BY HAND DELIVERY

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

Re: Shadowfax Run Subdivision -- Jackson Avenue
Our File No. 09937-51362

Dear Members of the Planning Board:

My firm represents William and Margaret Steidle, the owners of Pine View Farm, located at 575 Jackson Avenue.

The Steidles have some concerns regarding the proposed development known as the Shadowfax Run subdivision, located immediately north of Pine View Farm. Mr. Steidle has submitted his concerns in writing and has made a presentation before the Board.

I wish to comment on the Board's role as lead agency under the State Environmental Quality Review Act (SEQRA). As lead agency, the Planning Board is the steward of the "air, water, land and living resources," and the Planning Board has the "obligation to protect the environment for the use and enjoyment of this and all future generations." 6 NYCRR § 617.1(b).

Given that there are both federal and state wetlands located on the Shadowfax site, the applicant may need permits for any wetland disturbance. However, the wetlands have not been delineated. As a result, the full extent of the wetland boundaries – and any disturbance -- remains unknown. Given this, the Planning Board should require that the wetland boundaries be delineated by a qualified wetland biologist, and the delineation confirmed and shown on the plans.

Our primary concern is the location of the entrance road. The applicant has proposed locating the entrance road in a place that simply does not work. As Mr. Steidle said, the entrance road connection is proposed at a location which has totally inadequate sight distance in both directions. As a result, the developer proposes to modify 1200 linear feet of Jackson Avenue (nearly 1/4 mile) to create adequate sight distances. Modifications include (1) excavation and filling of 975

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linear feet of road bed, (2) the removal of all vegetation on both sides of Jackson Avenue (amounting to 2000 linear feet), and (3) a permanent sight easement having a length of 550 feet. The 2000 linear feet of vegetation to be removed on both sides of the road consists primarily of 50+ year old red cedar hedgerows.

These modifications to Jackson Avenue are clearly significant adverse environmental impacts affecting traffic, drainage, and visual resources. Jackson Avenue is a rural road passing through an agricultural district. This development, as proposed, will significantly change the layout and character of Jackson Avenue.

This is a Type I action under SEQR because it is a nonagricultural use occurring within an agricultural district. 6 NYCRR § 617.4(b)(8). Type I actions are, by law, more likely to require an in-depth environmental review. 6 NYCRR § 617.4(a).

Whenever a project has the "potential for at least one significant adverse environmental impact," the lead agency must require the preparation of an Environmental Impact Statement (EIS). 6 NYCRR § 617.7(a)(1). As discussed above, we believe that there are several significant adverse impacts that the Planning Board should analyze further, namely wetlands, traffic, drainage, and visual impacts.

Furthermore, the applicant has not shown that there are less intrusive alternatives to the current design. As part of the EIS process, the Planning Board can and should require the applicant to show alternative layouts that might avoid such intrusive modifications to Jackson Avenue. This is exactly what is needed here.

We respectfully request that the Planning Board issue a positive declaration for the Shadowfax Run subdivision and require that an EIS be prepared.

Lastly, since this proposed project is adjacent to an existing farm, the Planning Board must refer the application to the Orange County Planning Department for their comments pursuant to General Municipal Law § 239-m(3)(b)(vi).

On behalf of the Steidles and my office, thank you for the opportunity to present these comments.

Respectfully Submitted,



DOMINIC CORDISCO

DRC/326268

cc: Mark Edsall, New Windsor Planning Board Engineer
Henry Kroll, New Windsor Highway Superintendent
James R. Loeb, Esq.