

## FUSCO SUBDIVISION

### APPLICABILITY OF SOUTHERN WALLKILL BIODIVERSITY PLAN

The Fusco Parcel is located on the southerly side of Taylor Road, east of its intersection with Jessup Road. The area is southwest of the Village of Florida. The southerly portion of the Parcel appears to be within Area 17 of the Southern Wallkill Biodiversity Plan (“Plan”). Area 17 is the Wheeler/Stony Creek Area, which is described in the Plan as follows:

17. *Wheeler/Stony Creek*—This stream complex offers habitat for a variety of declining and listed turtle species, in addition to other taxa. It also connects the Mount Adam/Mount Eve biodiversity area northward to other habitats. Much of the streamside habitats are rural and only lightly developed, but care should be taken to minimize further impacts related to development.

Plan, pg. 21.

Having identified the Parcel as being partly within an area of interest in the Plan, it may be appropriate to use the Plan as a guide toward development of the Parcel. To that end, the Plan is emphatic that mapped areas of interest not be preserved in amber. Rather, these areas must be carefully reviewed with an eye toward appropriate development that will allow the environment to maintain and enhance its current biodiversity.

Thus, for example, the Plan states “Mapped areas are not being recommended solely for land preservation.”

Preservation of all of the mapped hubs, biotic planning units and connecting corridors is not feasible, nor do we recommend such measures. Many of the mapped areas are privately owned lands that contain homes and contribute, through taxes, to the economic health and stability of the towns. Instead, within the mapped areas we propose a balanced approach to conservation and development that incorporates the diverse suite of land use planning and conservation tools and incentives presented below.

Plan, pg. 22.

Those tools include the use of cluster techniques to protect more important habitat areas, avoidance of large-lot zoning, and imposition of conservation overlays and easements. All of these techniques are proposed for the Fusco Parcel.

The Parcel is proposed to be subdivided using cluster techniques to reduce the size of the lots and to keep development, including roadways, away from the wetlands and stream areas of the site. This is particularly important given the nature of the mapped area identified by the Plan.

The Wheeler/Stony Creek area is a “corridor” leading to the hub area of Mount Adam/Mount Eve. It is important because of its turtle populations and its streamside habitats. By keeping new development as far from the stream as possible, and by using smaller lots, the proposed development is consistent with the aims of the Plan.<sup>1</sup>

In addition, those portions of the Parcel that are outside the mapped area should be the first areas to be looked at for development, but such development should be mindful of the adjacent mapped area. Thus, the two lots at the easterly end of the Parcel are beyond the mapped area, and relatively far from the stream that runs through the Parcel. Development within those two lots is confined to an area above the mapped area and below the Ridgeline Preservation Overlay District, and will be accessed from a currently existing farm road.

The remainder of the proposed development is in the northwesterly portion of the Parcel, which is also an upland area, though not as high as the easterly portion. The central portion of the Parcel, which contains the stream and nearby habitats, is to remain open as the type of corridor envisioned by the Plan.

Unlike the “[n]arrow, linear stretches of habit (e.g., narrow strips of habitat surrounding hiking trails or along railroad corridors)” criticized by the Plan (pg. 16), the central corridor of the Parcel is well over 750 feet wide through its entire course, and contains over 39 acres of land. It includes a range of habitats including a stream, 20 acres of wetlands, meadows, and forested areas, along with a variety of topographic features. The nearest proposed lot line is approximately 70 feet from the wetland area, and all proposed development is considerably farther away.

The proposal is therefore entirely consistent with the goals and recommendations of the Plan, as it applies to the Fusco Parcel.

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<sup>1</sup>Although the Plan specifically endorses the use of Traditional Neighborhood Designs (TNDs) (Plan, pg. 24), this technique is not suitable in areas, such as the subject area, that lack public water supply and sanitary sewers. Since the homes are dependent on both private wells and septic systems, both of which must be maintained on the lots which they serve, there is a practical and regulatory limit to how far the lots can be reduced in size.