

### 3.17 Recreation and Open Space Resources

#### 3.17.1 Existing Recreation and Open Space Resources

The Town of Woodbury, Central Valley, and Highland Mills incorporates considerable amounts of recreational and open space facilities. Approximately half of the Town's nearly 23,000 acres is occupied by Federal, State and County owned/managed recreational facilities; West Point Military Reservation, Harriman State Park, Appalachian Trail, and Gonzaga Park. Much of the State-owned parkland in Orange County is important forested segments of "The Highlands" a geophysical region through four states (Pennsylvania, New Jersey, New York and Connecticut). Harriman State Park, which is owned by the Palisades Interstate Park Commission, encompasses a significant portion of the Town's gross land area. Harriman State Park offers activities ranging from hiking and biking to fishing, boating, swimming, horseback riding, snowmobiling, tent and cabin camping. Approximately 8,000 acres within the Town of Woodbury is devoted to parks and recreation.<sup>110</sup>

The Town of Woodbury has successfully created active parks that provide active recreation, including playing fields, swimming facilities, tennis courts, hiking and biking trails and similar types of active recreation. Even though these are important needs at the local level, this plan will emphasize the importance of setting aside open space areas that may be used for future active and passive recreation.

Earl Reservoir (Schunnemunk Park) and Central Valley Pond Park, both Town-maintained facilities, provide active recreation, including ball fields, swimming facilities, tennis courts, roller-hockey rinks, racquet ball courts, hiking trails, and picnicking areas. Residents of the Town of Woodbury, Highland Mills, and Central Valley who wish to use parks and recreation facilities must obtain a picture ID card, which are available prior to and during the summer season. Children between the ages of 12 and 18 must obtain a new ID card every two years; children under 12 years of age are not required to have an ID card.

In addition to the Town Parks the Monroe-Woodbury central school district maintains over 100 acres of recreational facilities that are made available to residences' of the Town. Facilities include ball fields, tennis courts, basketball courts, baseball fields and a track.<sup>111</sup>

The Town of Woodbury's Master Plan, Woodbury's Open Space & Natural Resource Protection Plan, the draft Town of Woodbury Comprehensive Plan, and the Southeastern Orange County Traffic and Land Use Study are all studies that relate to growth management strategies for securing critical masses of open space and recreational facilities.<sup>112</sup> These Plans act as a community-wide planning effort that establishes wide range recommendations and techniques for protecting open space and creating additional recreational opportunities.

Specifically, Woodbury's Open Space & Natural Resource Protection Plan has identified several open space and preservation techniques, while stressing the importance that the Town incorporates some of these policies and regulations. The Plan recommends that incorporating a design mechanism such as a Conservation Cluster Development Overlay District will allow the connection to important open space areas within the Town.

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<sup>110</sup> *Draft Town of Woodbury Open Space & Natural resource Protection Plan*. Stuart Turner & Associates. November 2004. It should be noted that West Point lands, while Open Space, are not available to the Town as recreational lands.

<sup>111</sup> Personal Communication with Kathy Phinnerty of Monroe-Woodbury Central School District on June 29, 2005.

<sup>112</sup> The Southeastern Orange County Traffic and Land Use Study.

While many communities in the region and elsewhere are forced to pay exorbitant sums of money for open space, the Town of Woodbury is in the enviable position of acquiring valuable open space at no cost to its tax paying residents while insuring that the Town's vision and direction for the next 20 years and beyond turns out as planned.

### 3.17.2 Potential Impacts to Recreation and Open Space Resources

Although Conventional Subdivision regulations as contained in the Town of Woodbury Zoning Law Chapter 310 do not regulate recreational or open space requirements, the preferred Conservation Cluster Development Overlay requires that 20% or more of the total gross land mass of the cluster site be preserved as open space.<sup>113</sup> In addition the Town of Woodbury's *Draft Open Space & Natural Resource Protection Plan* recommends that the Town refine their existing Zoning Local law to ensure the preservation of open space through creative development design. The purpose of such cluster development is to provide flexibility and innovation in the design and development of land in such a way as to promote the most appropriate use of land, to facilitate adequate and economical provisions of streets and utilities and preserve the natural and scenic qualities of open space, while achieving other Town objectives such as preserving a stream corridor and/or broadening the mix of housing opportunities.<sup>114</sup>

A review of real estate listings for undeveloped acreage in the Town of Woodbury has indicated that buildable lots, with water and sewer, range up to \$350,000 for the desirable Greens at Woodbury.<sup>115</sup> The Conventional 3-Acre lot layout prepared by Do Chung Partners (Appendix 9.4) shows 48 lots on the northern parcel. It is expected that these lots would command similar value. Assuming the 270 acre northern parcel is subdivided into 48 building lots, this would equate to a \$16,800,000 value.

The Applicant is proposing to dedicate approximately 291.70 acres (parcel 3-1-11) located north of Trout Brook Road to the Town, which would be permanently dedicated as open space (See Figure 3). The dedicated open space would then be available to the Town for recreational activities. The parcel is extremely valuable as open space acquisition as it provides a significant parcel of land for passive recreation. The high ridges and visibility of the site have the opportunity to offer hiking opportunities, and wonderful views of the Hudson Valley from the ridgelines. Further, the location of the site near other open space such as West Point offers a critical mass of open space which can be important for wildlife species.

Incorporating a design mechanism such as a Conservation Cluster Development will allow the connection of important open space areas within the Town, Woodbury has the opportunity to create an open space network or "greenways" that would be valued for their ecological, economic, and aesthetic benefits and would contribute to an overall greater value than individual scattered open space parcels throughout the Town.<sup>116</sup> By creating this style of community, 25 percent or more of the lands will be preserved as "open space" for the benefit of the Town perpetuity. Large buffer areas will be created near existing residences, preserving valuable open space as to minimize the impacts of the development. The Conservation Cluster Development Overlay District would support and be consistent with the recommendations found in the Orange County's Open Space Plan and Woodbury's *Draft Open Space Plan & Natural Resource Protection Plan*.

<sup>113</sup> § 310-31 Conservation Cluster Development Overlay: Draft for Discussion 3/7/05.

<sup>114</sup> Town of Woodbury: Zoning Chapter 310, November 2004.

<sup>115</sup> <http://hudson.idx.prurandrealty.com/results.aspx?firstrecord=0&searchtype=2&propertytype=5&searchminprice=0&searchmaxprice=1000000&searchbedrooms=-1&searchgeo=Central%20Valley,%20NY&sort=5&sortacdc=desc>

<sup>116</sup> 2004 Draft Town of Woodbury: Open Space & Natural Resource Protection Plan

Under conventional subdivision regulations, the Town of Woodbury does not mandate recreation or open space requirements because it does not have a conservation component, while the preferred Conservation Cluster requires that a certain percentage be set aside as open space. The primary purpose of the conservation cluster development overlay is to provide a mechanism and incentive for the development of cluster subdivisions to preserve larger tracts of open space than conventional cluster subdivisions.<sup>117</sup>

The Project Sponsor is proposing to provide approximately 430+/- acres of open space, which will be preserved as open space including the northerly parcel of 291.70 acres that will be dedicated to the Town of Woodbury. As a result of permitting the developer to take advantage of the smaller lots that only the use of municipal sewer and water systems can allow a site plan can be created which will provide the Town much sought after and valuable open space as well as significant infrastructure improvements and upgrades, at no cost to the taxpayer.

In addition, the proposed development would not interfere with the proposed expansion of Scenic Byways, which was identified as one of the highest priorities.

The Conservation Cluster Development Overlay District Law provides requirements to assure the permanent protection of the protected Conservation Open Space, which constitutes virtually all of the open space in the project. Under the new law, open space must be dedicated, gifted or donated to the Town or other public entity or to recognized conservation or land trust organizations acceptable to the Town Board and qualified under Internal Revenue Service Guidelines, together with irrevocable conservation easements requiring that such lands are and shall remain forever green and undeveloped in perpetuity. Such dedication, gifting or donation is irrevocable. The conservation easements must meet the standards of New York State Environmental Conservation Law. The dedication, gift or donation of the Open Space will be filed with the Town, prior to signature of the final plat by the Planning Board Chairperson. All of these provisions provide legal guarantees that the northern 291.70 acre parcel will remain as open space, and be properly managed.

Moreover, as discussed in Section 2.3.4 above, written approval of both the Planning Board and the body charged with maintenance of the Common Areas is required prior to any major physical or topographical alterations to the Common Areas. Common Areas located outside of the conservation area but within the site are subject to §310-31 of the Town Zoning Law. In addition, Common Areas must be conveyed to the Homeowner's Association (HOA) as required by both the Conservation Cluster Law (Section F) and §215 of the Town Zoning Law.

In addition to the dedicated open space, the project will also provide a community center, which includes tennis courts and a swimming pool. The community center will be situated near the project entrance and is available for all residents of the project. The community center will include a fitness center with lockers, recreation lounge, great room, conference room, and club room. Providing on-site recreational resources will not only benefit the residents', but will help off-set the need to use the Town's recreational facilities, thus having minor impacts to the already existing facilities.

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<sup>117</sup> § 310-31A Conservation Cluster Development Overlay: Draft for Discussion 3/07/05.

Residents of the development will likely use Town facilities. Upon a review of the Town's facilities, and a comparison of the Town of Woodbury population (before and after this development) with parks standards published by the National Recreation and Park Association,<sup>118</sup> it appears that Woodbury has sufficient parks, trails and open space to accommodate the residents of the proposed development.

While the impacts to the surrounding recreational facilities and open space will be minimal, the Town will greatly benefit from the increased tax revenues generated by the project. Further, the Project Sponsor will be required to pay Recreation Fees per lot in accordance with Town Policy.

### **3.17.3 Mitigation Measures for Recreation and Open Space Resource Impacts**

The preferred plan provides for the preservation of over 430 +/- of permanently dedicated open space which relates to more than 50% of the project area.

The quality of open space proposed for donation yields extraordinary benefits and resources for the surrounding population. The open space throughout the development, especially the northern parcel will provide many opportunities for recreation for residents of the Town of Woodbury and surrounding region. The open space will be dedicated and preserved, which will provide and preserve wildlife habitat, watershed protection, recreational opportunities, and other benefits to the environment and the community.

Recreation and open space will be affected by the changes in population and land use in the Town of Woodbury. Land development, though inevitable, can significantly affect the outdoor experience and its recreational and civic value. Unlike CCDODs, conventional subdivisions will make parkland acquisition more costly and access to private land less likely, and reduce the buffer that private open space provides to public parks.

Mitigation proposed for this project which will address any potential impacts on recreation and open space resources include the following:

- Designating 430 +/- acres as open space and the protection of existing wetlands, while providing natural buffers on the development. The 291.70 acre northern parcel (13-1-11) will be preserved and dedicated to the Town, which would serve as an area for active recreation and wildlife study.
- The proposed open space/recreation is consistent with the stated goals and policies of Woodbury's *Draft Open Space Plan & Natural Resource Protection Plan*, Orange County's *Open Space Plan*, Southeastern Orange County *Traffic and Land Use Study* and the Highlands Regional Study (See Section 3.9).
- By extensively rebuilding, upgrading and expanding the municipal sewerage facilities, the development can not only reduce lot size but also conserve sizeable parcels of open space.

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<sup>118</sup> Roger A. Lancaster, *Recreation, Park and Open Space Standards and Guidelines*, National Recreation and Park Association, 1987.

- The proposed development would be gated, and therefore managed by the HOA. The project would consist of a community center for all residents of the development, which would help offset demands on other town facilities.
- Proposed open space would provide a buffer between this project and the adjacent properties, as well as providing buffers from major transportation corridors, and should provide visual relief, mitigation for surface water runoff and minimal disturbance of current wildlife by providing corridors for wildlife movement.
- Throughout the remainder of the site, which is characterized as scattered deciduous trees, scrub brush, corridors of open space have been designed within the subdivision which will provide buffer areas between each cluster of residences.
- Increasing awareness of sustainability and sustainable development through the preservation of critical land that will create a “footprint” for future development in the Town of Woodbury and surrounding region.