



December 2, 2020

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Housing development draws criticism

Developer proposing 95-acre subdivision in Cornwallville

*By Andrea Macko
Porcupine Soup*

DURHAM—Take a drive around the hamlet of Cornwallville and you will find farms, open fields, historic homes and stunning mountain views. You will also see dozens of signs opposing a newly proposed housing development.

Bosque Development, LLC of Hudson has submitted plans to the Town of Durham to subdivide 95 acres that borders Strong Road to the east and Cornwallville Road to the west. The project includes the construction of 12 new homes and a farming operation.

Attorney Taylor Palmer of Cuddy & Feder LLP of Fishkill and Darrin Elsom, principal engineer with Kaaterskill Associates of Cairo, represented Bosque Development and its president Preston Jones at the December 2 meeting of the Durham Town Board.

The project involves subdividing two existing lots of 90 acres and 4.9 acres into 13 new lots.

“Twelve of those will be residential and will vary in size from three-and-change acres to approximately 10 acres,” said Palmer, adding that the thirteenth parcel would be a five-acre farm.

“We expect to leave more than 80 percent of the acreage untouched,” said Elsom. “Individual lots will be screened from the roads and the vast majority of the wooded acres would remain wooded.”

The residential lots are expected to include deed restrictions on the number and size of structures, and the amount of allowable land clearing, according to Elsom. The developer also intends to implement controls “over the design and construction of the individual homes to maintain the quality and aesthetic of the overall Bosque community.”

Preliminary soil testing has been done and based on the results, Elsom said, it is expected that raised septic beds will be designed for each lot.

“The farm operation will serve as a focal point of the Bosque community and will provide fruits, vegetables and some dairy products



Signs like this are popping up by the dozen in the hamlet of Cornwallville.

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to residents of the community. There will be a barn constructed on the farm lot, which will be designed to be consistent with the historic agricultural character of the Town,” Elsom explained. “The first floor of the barn will have an open space for Bosque residents to use, as well as bathrooms. The barn will also have an upstairs farmer apartment. There will also be an outdoor kitchen that residents can use and host friends at the farm.”

Access to parcels will be a private, unpaved road off Strong Road that will lead to a cul-de-sac. Elsom said they will be submitting a traffic study.

Elsom also cited the Town of Durham Building Law and Town of Durham Subdivision Regulations that state the minimum lot size for building parcels is 60,000 square feet.

“Based on this minimum size, the premises could support approximately 65 individual building lots and still be consistent with the town’s regulations,” he stated. “While a 65-unit development would doubtlessly require a community wastewater system and need to take into account site conditions and New York State Realty Subdivision Law, it is expected that the premises could support more than 20 building lots with on-site septic systems... the applicant is only proposing to create 13 total lots.”

The property is also located in the southeastern portion of the Cornwallville Historic District and north of a property that is classified in the Greene County Agricultural District 124.

Among the documents already submitted to the Town by the developer is a Cornwallville Historic District Impact Assessment prepared by Hudson Valley Cultural Resource Consultants, LTD of Salt Point, who was hired by Bosque Development LLC.

According to the historic assessment, a review of the properties adjacent to the project parcel was completed and only two contain structures which date back to the nineteenth century. Those include the Merchant House at 439 Strong Road and Strongwind Farm at 281 Strong Road.

“These properties will not be directly impacted by the proposed development,” the assessment states. “The neighboring properties consist of early twentieth century through twenty-first century residential dwellings.”

“There is no cohesive architectural style, or element within the Cornwallville Historic District, therefore the proposed project will not



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impact the architectural characteristics of the Historic District,” the assessment continued.

The Cornwallville Historic District is also bisected by part of the Durham Valley Scenic Byway, a 21-mile state-designated scenic corridor which includes Cornwallville Road.

But the assessment claims that the project will be “set back from Cornwallville Road and due to topography and vegetation will not adversely impact any of these scenic roads.”

Town Supervisor Shawn Marriott emphasized that the project is in the preliminary stages. The next step will involve the Town commissioning engineers and consultants to review any reports and documents submitted by the developer. The Town will establish an escrow account and any costs incurred by the Town will be paid by the developer.

Town Attorney Tal Rappleyea will also be in regular communication with Palmer, Marriott said. When and if all legal requirements and town regulations have been met, public hearings can be scheduled. In the meantime, Marriott said he expected monthly updates and will report on those at town board meetings.

Marriott explained that there will be ample time in the future for residents to express their concerns, and while the December 2 meeting was not a public hearing, opened the floor for some public comment. Durham Town Board meetings are currently held via teleconference due to COVID-19 concerns, so participation was done remotely.

Among the residents who spoke was Cornwallville resident Dan Clifton.

“I realize this is a very preliminary step, but I wanted to make sure the town board was aware of the intense opposition to this project in the Cornwallville community,” said Clifton. “It is a big project. It is going to have a big impact. It will turn a rural landscape into a

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suburban subdivision. That directly contradicts the essence of the Cornwallville Historic District.”

Clifton also called the project a “slap in the face” to the efforts made five years ago to establish the Durham Valley Scenic Byway.

He urged the board to conduct a full environmental assessment, also known as a long form, rather than the short form submitted by the developer. Marriott said a long form would likely be done.

“I do understand that there has been contact between Mr. Jones and the adjacent property owners. As I understand they are all opposed as you can see by the signs up and down the roads of Cornwallville and the petition with 160 signatures,” Clifton said.

“I understand this is a process,” Clifton added. “It’s just too big.”

Cornwallville resident Abigail Agranat called the project “a blatant and aggressive attempt to come into this special community and try to transform its character so utterly and completely.”

She said the developer’s plans have been “dismissive of the overwhelming objections of residents—objections that have thus far been articulated loud and clear with signs and signatures, and more to follow.”

Stephen Ellwood, also a Cornwallville resident, said the historic assessment is inaccurate.

“My house been confirmed as eligible by the National Parks Department and there are at least 16 other historic homes that are eligible for the National Historic Register listing,” Ellwood claimed. “As of right now that is not in the application and that does directly impact the character of the hamlet when there is a suburban-type of development built directly on top of existing historic homes.”

Resident Lisa Trafton pointed out that there is no speed limit on Strong Road.

“In the assessment, Bosque does not think this will result in a substantial increase in traffic above present levels,” Trafton said. “I just have a hard time swallowing that. Having lived on the road for 20 years, to picture 12 new homes and a community farm with events



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and sales, presumably, and this is the only way to get to these homes and the farm.”

A man named Alfred, who did not provide a last name, spoke in favor of the project, calling it “well-engineered and well-thought out.” Resident Jim Stone also submitted a short statement that “there are a few people in favor of the project.”

“I need those opposed to understand that myself and the board need to look at this objectively and have to take a step back because we also have a responsibility to all property owners that they have the ability to do what they want on their own property,” said Marriott. “I’m going to make sure we follow through with every concern that people have.”

“This is preliminary, and they are going to have to get a lot more information to us,” Marriott said. “What we do control is that everything is done properly.”

“We do not take it lightly,” he added. “This is in my backyard too.”


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