

BC Planning, LLC
555 Route 32, PO Box 489
Highland Mills, New York 10930
(845) 827-5763
Fax: 827-5764
Email: bcocks@frontiernet.net

PROJECT ANALYSIS

MUNICIPALITY: TOWN OF NEWBURGH

TOWN PROJECT NO. 2013-09

PROJECT NAME: Gibson Estates

LOCATION: 122 Rock Cut Road (47-1-28.2)

TYPE OF PROJECT: 4 Lot Residential Subdivision with one existing home (6.11 acres)

DATE: May 14, 2013

REVIEWING PLANNER: Bryant Cocks

PROJECT SUMMARY:

Approval Status: Submitted May 9, 2013

SEQRA Status: Unlisted

Zone/Utilities: R-1/individual wells and septic

Map Dated: March 28, 2013

Site Inspection: May 14, 2013

Planning Board Agenda: May 16, 2013

Consultant/Applicant: Ken Lytle, Zen Design Consultants, Inc.

Copies have been sent to: John P. Ewasutyn at the Planning Board Office, James Osborne, Gerald Canfield, Michael Donnelly, Patrick Hines, Karen Arent and Ken Wersted on May 14, 2013

COMMENTS AND RECOMMENDATIONS:

1. The applicant is proposing four lot residential subdivision with an existing home on Rock Cut Road. All lots will be serviced by individual wells and septic systems.
2. The applicant currently has the front yard setback listed at 50 feet. A minimum of 60 feet is required as Rock Cut Road is a County Highway (Section 185-18.C.4.b). Also, the applicant will have to demonstrate that the homes on lots 1 and 4 are 80 feet from the centerline of Rock Cut Road (Section 185-18.C.4.a).
3. The applicant is showing the buildable area requirement as 5,000 square feet instead of the required 10,000 square feet (Section 185-48.5.E.3.a.1). This area should be shaded on the plans as well as shown in the bulk table.
4. The DEC has written a letter to the applicant stating there is no Wetland Permit necessary since there is no work proposed in the wetland or wetland buffer area. They had no objection to utilizing the wetland buffer to satisfy the bulk requirements for lot area. Single Family homes do not need to deduct wetland areas from their lot area calculation under Section 185-48.5.C.
5. Can the applicant explain the lot configuration for Lot 1? There is a twenty foot wide strip of land that is currently proposed to remain in Lot 1 along the northern property line. The majority of this strip contains wetlands and buffer areas so would most likely never be developed and should be part of Lot 2 to prevent future property disputes.

6. The existing home currently has two access points onto Rock Cut Road. With the new subdivision the applicant will abandon the southern portion of the driveway for construction of the shared driveway for Lots 2 and 3. The Planning Board should discuss abandoning the driveway before the plans are signed so three dwelling units are not utilizing one driveway. A site inspection will most likely be necessary to ensure this work is completed as a condition of approval before the plans are signed. A common driveway access and maintenance agreement must be provided for Mike Donnelly's review.
7. If the homes stay in the locations on the current plan, foundation staking will be required and a note should be placed on the plans stating such.
8. The Orange County DPW and Planning Departments will need copies of the plans for their review. The Planning Board can discuss Declaring their Intent for Designation of Lead Agency but I would suggest the applicant address the zoning issues discussed earlier in this memo before sending the plans out in case there are major changes.
9. The applicant has been sent the Adjoiner Notice and list of property owners from the Assessor's office. The notice is required to be sent out within ten business days of the May 16, 2013 meeting. An affidavit will be required to be submitted in accordance with the Local Law 2 of 2013. A copy of the law can be forwarded to the applicant for their review if needed.

The above comments represent my professional opinion and judgment, but may not necessarily, in all cases, reflect the opinion of the Planning Board. Please revise your plans to reflect these comments with the understanding that further changes may be required. In all cases the requirements of the Zoning Law and Subdivision Regulations shall be adhered to by the applicant and shall be shown on the plans. Where variances to the Zoning Law are required or where waivers from the Subdivision Regulations are needed, specific requests shall be made to the Planning Board for a waiver or for referral to the ZBA. These comments are prepared based on current zoning and subdivision regulation requirements. Any change in those regulations prior to final approval of these plans could require revisions beyond the scope of my existing comments.