

MEMORANDUM**PPBS** inc.

Planning Programming Budgeting Services Inc. PO BOX 471 Highland Mills, New York 10930

TO: Town of Gardiner Planning Board

FROM: James M. Freiband, Principal Planner

DATE: July 11, 2004

SUBJECT: Sketch Subdivision - Dorf, Gatch, Conners 3 Lot Subdivision – Aumick Road

1. As requested, I have reviewed the proposed subdivision plan of Dorf, Gatch, and Conners Subdivision – Aumick Road, as shown on the plans dated June 15, 2004, located on Aumick Road. This property was previously reviewed by the Board and a lot line revision approved to adjust a series of incoherent property boundaries with the Diehl Property. Subsequently this project went to the ZBA which granted variance for yard setback, lot width and road frontage, effectively rezoning this property. There is no indication of the Planning Board report on this site in the ZBA record. The only undocumented issue in the ZBA decision was whether the fire chief approved the driveways for access. No conditions were placed by the ZBA as required by the 220-61C-4. The lack of access over strip requires a separate variance under section 280a of Town Law. Effectively, the ZBA decision does not preclude the Planning Board from other restrictions or require its rote approval of the plat.
2. The proposed subdivision consists of three flag lots extending up the ridge, just below the Awosting Reserve project. The lots range in size from five acres to 19 acres. Lot 2 appears to have an existing dwelling that is left on a 150 foot wide lot (250 feet required; minimum side yards of 150 feet) some 1500 feet in length. The remaining two flag lots extend more than a mile to the house sites using fifty-foot wide strips which have sections of grade approaching 50% in some places.
3. The proposed lots do not meet the requirements of Zoning even considering the action of the ZBA, nor do the fee strips retained for access represent anything like the maximum drive grades required by the code. While the property has significant acreage, it is not suitable, under the terms of the Gardiner code for residential development. The fundamental requirements for residential use include constructive access over the property to a public street. The applicant must demonstrate that access before the Board can even consider the exception 220-11C.
4. The proposed application is an unlisted action under the NYS SEQR regulations. Given the potential precedence value, (as it effects Awosting Reserve and the vast ridge lands surrounding) this application may present a requirement for an EIS on its own to document the effects of the necessary exceptions to the Town Code.
5. **RECOMMENDATION:** It is recommended that the Planning Board deny the sketch plan upon finding that the proposed lots do not meet the requirements of the Town Zoning and Subdivision Regulation Section 188-10A 2 as set forth above.