

A. **ZONING AND SURROUNDING LAND USES**

Comment A-1

No action column misleading since, as a result of the proposed development, most of the dwelling units have been moved or abandoned. Since the existing use as a trailer park was part of an agreement between the town and Mr. Brinckerhoff, it is safe to assume that any attempt to return to those conditions at the time of the original proposal would be subject to extreme scrutiny by the board, which (while I do not presume to speak for the board) would most likely be prone not to approve.

(Memorandum from Mr. Victor Vitek to the Town of East Fishkill Planning Board, dated March 22, 2005)

Response A-1

Unlike many proposed residential development projects where the subject property is vacant land, Lake Walton Park has operated as a manufactured home and RV park as a prior non-conforming use for many years, and continues to do so today. At capacity, Lake Walton Park accommodated 60 units.

However, in light of the proposed change in use, tenancy at the Park has steadily decreased since the proposed development was announced in September 2001.

While it is the intent to complete the relocation of those tenants that remain, please be advised that the Park continues to operate as a legally non-conforming manufactured home park, and such use remains a legal prior non-conforming use under Section 194-125 of the Town's Zoning Law.

As a result, a no-build scenario may result in the continuation of the existing site use.

Comment A-2

Are you going to address, in the final EIS, about that piece of property that's on the other side of Lake Walton?

(Statement at Public Hearing, Mr. Koch, dated February 22, 2005)

Response A-2

This ± 0.6 acre property, tax lot Section 6358, Block 04, Lot 533050, is situated on the westerly side of Lake Walton Road opposite Homestead Drive and is not contiguous with the rest of the site. The applicant will propose to seek approval to place a temporary sign on the lot during construction pertaining to the development of this new residential subdivision, and to replace it with a permanent sign identifying the new residential subdivision in accordance with applicable sign regulations. Consequently, the parcel will be maintained by the HOA.

Comment A-3

The two lots at the top end, are they part of the HOA? So they're separate entities? Are they within the sewer district? Is the whole property though going to be taxed as though they're in the district?

So it's going to be a Town road for two lots? I don't know I we want to take over a road for two lots; maybe we can do a shared driveway for those two or something.

(Statement at Public Hearing, Mr. Staudohar, dated February 22, 2005)

Response A-3

The two proposed northerly lots at this time are proposed to be part of the HOA. They will not be connected to the site's water and sanitary sewer infrastructure because of distance and intervening wetlands that would need to be disturbed.

Proposed lots # 1 and # 2 along the northerly portion of the site will access Lake Walton Road via a shared driveway over two flag lots with a combined total of fifty feet of road frontage.

As part of subdivision and site plan approval, the applicant will demonstrate that these lots will meet the requirements of Section 163-19(H) of the Subdivision code and Section 194-92.1 of the Zoning code except for the road frontage requirements of Section 194-17 Bulk regulations and Section 194-92.1 which require 50 feet of road frontage. The applicant will seek a variance from the Town of East Fishkill Zoning Board of Appeals from the frontage requirements which would be consistent with the intent of this Planning Board approved Cluster Subdivision.

The applicant will demonstrate that these lots will otherwise meet the requirements of Section 194-92.1 of the Zoning Code and the requirements for the approval of flag lots set forth in Section 163-19 of the Subdivision code.

The flag lots meet the additional requirements of the Subdivision code.

- *The buildable portion shall be no smaller than one acre in size. The proposed lots are 2.47 and 2.48 acres respectively.*
- *There will be no visible obstructions at the intersection of the access point and the street.*
- *The relative location of the flag lot driveway and adjoining driveways are appropriate.*
- *Adequate access for emergency vehicles to the house will be provided.*
- *Adequate privacy will be provided to the flag lots and the surrounding lots.*

The applicant will then demonstrate that the shared driveway meets the requirements of Section 194-67.1 of the zoning code, "Shared Driveways". Shared driveways are permitted in all residential zones by special permit provided that the Planning Board finds that the application meets all the requirements of Article IX special permits and the additional conditions of Section 194-67.1 of the zoning code.

The proposed shared driveway meets the following standards as delineated in the zoning code:

- *Maximum Number of Lots: The maximum number of lots sharing a driveway is to be three. The proposed driveway is shared by two lots.*

- **Minimum area of each lot not including any portion of the shared driveway is to be 1.5 acres: Proposed Lot #1 encompasses 2.47 acres and proposed Lot #2 encompasses 2.48 acres.**
- **Width: The width of the traveled way of the shared portion of the driveway will be 16 feet in width with 2 foot cleared shoulders on each side.**
- **Length: The shared portion of the driveway is in no event to be longer than 0.25 miles. The length of the proposed shared driveway is ± 280 feet (± 0.05 miles).**
- **Agreements for Construction and Maintenance: Appropriate legal agreements/declarations are to be provided to assure proper construction maintenance of the driveway. Such agreements will be provided as part of subdivision approval for these lots.**
- **Buffering/Screening: Where appropriate, the Board may require additional screening or buffering to ensure privacy to lots. Such buffering/screening will be incorporated as part of subdivision approval for these lots.**
- **Shared driveways are to be constructed to the standards of the driveway specifications in the Town Highway Specifications (presently Section A197-76). The shared driveways will be constructed to the standards as part of the subdivision approval for these lots.**

The two lots are within the Hopewell Hamlet Sewer District and as such will be taxed accordingly.

Comment A-4

Some of those houses, say on Radcliff Drive, and in that area through there, that was all originally owned by the same owner; do those homes have any lake rights or any claim to any rights to the lake that you know of?

(Statement at Public Hearing, Mr. Smith, dated February 22, 2005)

Response A-4

The applicant is not aware of any lake rights nor was any claim to any rights to the lake noted in the Title Report when the property was purchased. This is confirmed by the applicant's title insurance company in a letter (Appendix G).