

HUNTINGTON TOWN
DEPARTMENT OF PLANNING AND ENVIRONMENT

Date: March 3, 2022

To: Honorable Gerry Asher Chairman and members of the Zoning Board

From: Matthew Wieder Senior Planner
For Paul Ehrlich, Chairman and members of the Zoning Board

Re: **TECHNICAL REVIEW – ZBA # 22799 & 22800**

Hearing Date: February 3, 2021
Applicant: Ryan N. Brown Agent for Rosewood Developers Inc
Attorney: John Breslin
Property Location: south side of Ale Ct. 295.37 feet. east of Highview Dr.
Centerport and south side of Ale Ct. 182.50 feet. east of
Highview Dr. Centerport
Site Conditions: Both lots are vacant
Zoning: R-7
SCTM #: 0400079.0002.00036.000, & 0400079.0002.00035.001

Site Description: The subject property consists of two tax parcels on the southerly side of Ale Court in the hamlet of Centerport. Lot 36 consists of 18,762 square feet and has approximately 113 feet of frontage on Ale Court. Lot 35.1 is the result of a merger done in 2017 as required by the Planning Board During a Transfer of Density Flow rights Application and approval, this lot consists of approximately 23,000 square feet and has 116 feet of frontage on the southerly side of Ale Court. The property is bounded by residential uses on all sides.

Project Description: The applicant is proposing to erect two conforming dwellings, each on its own separate lot. And as such requires retaining wall cumulative area, as well as setback relief

Relief Requested:

The applicant is requesting relief from minimum retaining wall setback and maximum retaining wall facial area requirements. The proposal will require variances pursuant to Huntington Town Code as follows

1. §198-64(K)(5)(a); "Retaining walls greater than 4 feet and less than or equal to 5 feet in height shall be located at least 5 feet from property lines, and those greater than 5 feet in height shall be located at least 10 feet from the property lines." The existing paving stone wall, to be maintained on Tax Lot 36, with a maximum height of 4.5 feet, is approximately 0.5 feet from the northerly lot line, where 5 feet is required. The proposed minimum setback to the tiered retaining walls on Tax Lot 36, with a cumulative height of 16 feet, is approximately 4.2 feet from the westerly lot line, where 10 feet is required. The aforementioned tiered retaining wall on Lot 36 has a cumulative height of 21 feet at

the easterly lot line and a minimum setback of 0 feet from the easterly lot line, where 10 feet is required. The proposed minimum setback to the tiered retaining wall, with a cumulative height of 21 feet, is 0 feet from the westerly lot line of Tax Lot 35.1, where 10 feet is required. The proposed minimum setback to the tiered retaining wall with a cumulative height of 8 feet, is 0 feet from the northerly lot line of Tax Lot 35.1, where 10 feet is required.

2. §198-64(K)(5)(b); The maximum allowable facial area of retaining walls on Tax Lot 36 is 445.7 square feet, where 1,793.5 square feet is proposed. The maximum allowable facial area of retaining walls on Tax Lot 35.1 is 445.7 square feet, where 2,199.6 square feet is proposed.

Recommendation to the Zoning Board:

- Pursuant to §198-64 of Town Code the Zoning Board referred this application to the Planning Board. The Planning Board offers the following comments.
- The Planning Board recommends that all areas south of the retaining walls be put into permanent conservation areas so that future owners do not seek to install pools, or accessory structures in the heavily sloped areas. Additionally, garages should be installed as part of the main structure again to avoid future further disturbance of the sloped areas.
- While the utilization of a single wall crossing the property lines reduces the cumulative square feet of aggregate wall area, it may present problems in the distant future when maintenance of the wall is required, as such a maintenance easement should be filed across the property lines.
- The Planning Board preserved the eastern most part of lot 35.001 during the Transfer of Density Flow Rights application by resolution Dated August 17, 2016. The current proposal also preserves that property however the placement if the retaining wall on the easterly portion may necessitate clearing of the aforementioned conservation area. As such the Planning Board recommends that if disturbance of the conservation area is required to install this wall, said wall be shifted westward.
- As a result of the extremely limited (if any) visibility the nest would have on the subject property the no construction buffer would be reduced to 660 feet as recommended on page 33 of the New York State Bald Eagle Conservation Plan. Only the westerly property (lot 36) falls within this buffer. However, the Planning Board strongly recommends that the Zoning Board should not decide this matter until they receive input from the New York State DEC to ensure compliance with the New York State Bald Eagle Conservation Plan, and no approval of any variances should be granted that allows for a development that does not meet the standards of the NYS Bald Eagle Conversation Plan. Furthermore, the Planning Board strongly recommends should the Zoning Board grant these applications; a condition be imposed that requires the applicant to obtain approval from the New York State DEC prior to and during construction to ensure compliance with the New York State Bald Eagle Conservation Plan.

Request as it was advertised in the paper:

Request retaining wall height and square footage relief in order to construct a dwelling on each of two lots.

Request per Legal Notice of Hearing:

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