



Town of New Windsor

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OFFICE OF THE ENGINEER FOR THE TOWN

MEMORANDUM

(via email)

7-31-08

TO: MICHAEL BLYTHE, ESQ., ATTORNEY FOR THE TOWN

CC: GEORGE A. GREEN, TOWN SUPERVISOR
DOMINIC CORDISCO, ESQ., ATT'Y FOR THE PLANNING BOARD

FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER

SUBJECT: KNOX VILLAGE – LEGACY WOODS SENIOR SITE PLAN
PLANNING BOARD APPLICATION NO. 08-01

I have been asked to check the density as proposed for the subject project which is in its initial reviews with the Planning Board. Apparently the Orange County Department of Planning has questioned the density, via communication with Mr. Blythe.

Initially, for full understanding of the requirements, a review must be made of the Senior Citizen Housing section of the code, Section 300-18.

The Town Code, Sections 300-18 G (1)(a) and (b) state the following:

- (a) Minimum lot area. The minimum permitted lot area shall be five acres (net). In calculating the maximum number of dwelling units per acre, the net lot area (as defined in this chapter) shall be utilized, and any lands which are subject to easements, rights-of-way, encumbrances, NYSDEC or federal wetlands, etc., shall not be considered in the calculation of the total number of available acres. An exception to this restriction is as follows:
 - [1] For senior citizen housing projects, up to 5% of the property may be encumbered by public or utility easements or rights-of-way without deduction from lot area or subtraction from unit density calculation.
- (b) Maximum residential density. The maximum permitted density shall be nine dwelling units per net acre. If the applicant desires a unit density in excess of nine units per net acre, this will be permitted, up to a maximum of 14 dwelling units per net acre, only if one affordable housing unit is provided. In these instances, a minimum of one affordable housing unit shall be provided for each two dwelling units provided above nine per net acre (i.e., 50% of all units over nine per acre shall be affordable housing units).

I have reviewed the plan and note that the property is identified as 14.21 acres (gross). For comparative purposes, if there were no lot constraints (area subtractions), with 183 units, the density would be 12.88 units per acre.

As we know, this property does have some constraints. We are advised that there are wetlands, and there is also a utility easement crossing the property.

The utility easement is just under 20,000 s.f. which is approximately 3.2% of the lot area, and is therefore excluded from subtraction based on the provisions of 300-18 G (1)(a)[1].

We are advised the wetlands constitute approximately 1.09 acres, making the net area of the site approximately 13.12, as noted on the plans. With 183 units, the calculated density is therefore 13.95 units per acre.

As noted in 300-18 G (1)(b), a maximum density of 14 units per acre is permitted if half the units above 9 units per acre are affordable.

This is the format in which the application is being considered, and based on my review of the code, based on the data submitted to date, it complies with the Town Code.