

# Memo

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## PLANNING BOARD, TOWN OF SHELTER ISLAND

**Project:** Minor Subdivision Sketch Plan Property of Roe  
**From:** Joe Lombardi @ The Raynor Group, P.E. & L.S. PLLC  
**Date:** March 5, 2025

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Our office has received a map entitled Minor Subdivision Map Sketch Plan Property of Roe, prepared by Kenneth M. Woychuk Land Surveying, PLLC dated December 2, 2024, as well as the Sketch Plan Checklist for Subdivisions, dated January 20, 2025, the Sketch Plan Application Form dated January 20, 2025 and the Short Environmental Assessment Form dated January 21, 2025 all prepared by Sherman Engineering. We offer the following comments:

- The street address of the subject property is 37G Westmoreland Drive. However, the property does not have direct frontage on Westmoreland Drive. The subject property is located approximately 725 feet south of Westmoreland Drive.
- The parcel has an area of 218,024 s.f. or slightly over 5.00 acres. It is in the A zoning district and the Near Shore and Peninsula Overlay District. The minimum lot size is 40,000 s.f. Lot frontage is not less than 140 feet.
- The site is improved with 2-1/2 story single family residence, garage, swimming pool, masonry patios, wooden decks, asphalt driveway and parking area and a catwalk and floating dock.
- The proposed minor subdivision will consist of two lots for residential use and a Park Area. Lot 1 will have an area of 114,978 s.f. and will be vacant. Lot 2 will have a total area of 81,217 s.f. and will contain almost all of the existing site improvements. Given the extent of the improvements on Lot 2, the map should include a calculation of Lot Coverage for the existing buildings and for all impervious surfaces.
- Lot 2 has frontage on West Neck Creek. The tidal wetlands boundary was delineated by En-Consultants on December 20, 2024. Excluding the wetlands, the area of Lot 2 is 78,573 s.f.
- Since the subject parcel contains tidal wetlands, a Tidal Wetlands Permit will have to be obtained from the New York State Department of Environmental Conservation.

- According to the Town GIS, the existing garage contains an apartment. I discussed this with the Senior Building Inspector and he indicated that while accessory sleeping quarters may be permitted above the garage, an actual apartment with cooking facilities would be a violation. Some additional information regarding the status of the living space within the garage may be needed.
- The garage has an overhang that extends 10 ± feet from the rear of the structure. The building setback from the overhang to the proposed property line is 18.9 feet. A minimum setback of 20 feet is required.
- A twenty (20) foot wide private right-of-way that extends from Westmoreland Drive provides access to the site. The project sponsor will have to provide either a deed or covenants or a previous subdivision resolution that indicates that the subject property can be subdivided and that the new lot can utilize the private right-of-way.
- Proposed Lot 1 has approximately 153 feet of frontage on the twenty (20) foot wide private right-of-way. Proposed Lot 2 has only 20 feet of frontage on the private right-of-way. This lot may not qualify as a flag lot. Therefore, a variance for lack of frontage may be needed
- The private roadway serves nine existing tax map lots, seven of which are improved with single family residences. The right-of-way is improved with a paved roadway that varies in width from about 14-18 feet. In its current state, this roadway does not meet the requirements for Fire Apparatus Access Roads as specified in Appendix D of the Fire Code of New York State. It is unclear if the Planning Board can approve additional lots on a roadway that does not comply with the Fire Code requirements.
- The proposed Park Area has an area of 21,829 s.f. which represents 10% of the overall parcel. Future ownership of the Park Area is not provided. The Park Area is landlocked and does not have any frontage on the private right-of-way.
- Topographic information with contours at two foot intervals is provided. The datum is NAVD88. Elevations on the site range from about 20 feet at the westerly end of the property to about 2 feet at the shoreline of West Neck Creek.
- There is an existing wood rail and wire fence that extends from proposed Lot 2 into Lot 1. Should the subdivision be approved, this fence should be relocated to the proposed property line.
- There is an existing gravel drive that extends from the rear of the garage on proposed Lot 2 across Lot 1 and into property of Westmoreland Farm, Inc, Suffolk County and Town of Shelter Island. Should the subdivision be approved, this gravel drive should be removed.

- There are several mapping items that need to be addressed including:
  - 1) The proposed lot lines are shown as dashed lines. Solid lines should be provided.
  - 2) Concrete monuments should be set at all changes in direction along the exterior boundary of the subdivision.
  - 3) Several distances around the perimeter of the proposed lots and park area are missing.
  - 4) Aerial photography of the site shows the southeasterly portion as being wooded. The limit of woodlands should be shown on the map.
  - 5) The tidal wetland setbacks should be shown on proposed Lot 2.

**Conclusion:**

Until issues regarding access to the lots, fire apparatus access, the apartment above the garage, the possible need for variances and missing mapping items are addressed, approval of this sketch plan is not recommended.