



## Memorandum

To: Town Board

C: Town Clerk, Town Attorney

From: David Sprout, Code Enforcement Officer

Subject: Open Development Area Tax Parcel # 30.-1-2.1

Date: September 12, 2016

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Anita Fitzpatrick wishes to construct or site a single-family dwelling on tax parcel #30.-1-2.1, a 35+/- acre landlocked parcel. A thirty-five-foot easement from Scofield Road allows access to the property.

Town Law 280-a restricts the issuance of a building permit unless (1) the highway giving access to the proposed structure has been placed on the official map, is shown on an approved or filed plat or is on an existing highway, and (2) such access has been suitably improved to allow ingress and egress of emergency vehicles.

In order to overcome that restriction, Ms. Fitzpatrick has requested that the Town Board designate the parcel an Open Development Area (ODA).

Under Town Law 280-a (4) an ODA is established by resolution of the Town Board. In an ODA building permits may be issued for structures to which access is given by easement upon such conditions and subject to such limitations as the planning board may prescribe. Referral of Ms. Fitzpatrick's request for an ODA, to the Planning Board is required before the Town Board can establish an ODA.

Ms. Fitzpatrick's request has been forwarded to the Planning Board as well as to the County for 239 review.

Designating the parcel an ODA is an unlisted action subject to state environmental quality review (SEQR). Part 1 of the Short Environmental Assessment Form (SEAF) is provided. The form was completed with the construction of a single-family home in mind. The Town Board has lead agency status.