Regulatory Review Extension Request for Seneca Farms: Preliminary Plan No. 120170240

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Description

**Seneca Farms: Preliminary Plan No. 120170240**

Requesting to extend the regulatory review period for an additional 5 months until 10/2/2018; an Application to create 27 lots for 27 detached one-family dwellings; located on the west side of Seneca Road (MD 112), approximately 900 feet northeast of Springfield Road; 136.67 acres; RC Zone; Potomac Subregion Master Plan.

**Applicant:** Seneca Farms, LLC.
**Submittal Date:** June 9, 2017
**Review Basis:** Chapter 22A & Chapter 50

Summary

Section 50.4.1.E of the Subdivision Regulations establishes the review procedures for a Preliminary Plan application and states that:

“the Board must schedule a public hearing to begin within 120 days after the date the Director accepts an application. The Director may postpone the public hearing by up to 30 days once without Board approval. The Director or applicant may request one or more extensions beyond the original 30 days with Board approval. The Board must notice the public hearing and indicate the new hearing date on the Board’s agenda. An application that was filled before February 13, 2017 is not subject to the subsection.”

The Seneca Farms Preliminary Plan application was accepted on June 9, 2017, which established a Planning Board date no later than October 7, 2017. The Director approved a 1-month extension to postpone the hearing until November 2, 2017. The Planning Board approved an additional 3-month extension until February 2, 2018, and a subsequent 3-month extension until May 2, 2018. The Applicant is now requesting an additional 5-month extension to finalize plans after completing negotiations with neighboring property owners regarding access to the planned street (Attachment A). Granting the extension establishes a Planning Board date no later than October 2, 2018.

Staff recommends approval of this extension request.

Attachment A: Extension request
Plan Name: Seneca Farms  
Plan No. 120170240

This is a request for extension of:  
☑ Preliminary Plan  
☐ Project Plan  
☐ Sketch Plan  
☐ Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 5/2/18

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:  
☑ Owner  
☐ Owner's Representative  
☐ Staff  
☐ (check applicable)

David W. McKee  
Benning & Associates, Inc.

Name  
Affiliation/Organization

8933 Shady Grove Court  
Gaithersburg  
MD  
20877

Street Address  
City  
State  
Zip Code

(301) 948-0240  
(301) 948-0241  
dmckee@benninglandplan.com

Telephone Number  
Fax Number  
E-mail

We are requesting an extension for 5 months until 10/2/18

Describe the nature of the extension request. Provide a separate sheet if necessary.

We are in the process of resubmitting final plans to MNCPPC for approval. Comments have been addressed and approvals are in-hand from MCDPS (stormwater concept, well & septic). However, negotiations with neighboring property owners regarding access to the planned street took longer than expected. Agreements are now in-hand (attached) which allow us to move forward. Although we plan for this project to be presented to the Planning Board by July, an extension of 5 months is requested in the event that the hearing cannot be scheduled before the August recess to avoid the need for any additional extensions.

Signature of Person Requesting the Extension

Signature  
Date  4-17-18
Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director’s designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from ________________ until ________________

_________________________________________  ________________
Signature  Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on ________________ and approved an extension for more than 30 days of the Planning Board public hearing date from ________________ until ________________.
Dr. Melinda M. Hutton
14431 Seneca Rd
Germantown, MD 20874
28 February 2018

James R. Clifford
Clifford, Debelius, Boynton & Hyatt, CHTD
Attorneys at Law
316 East Diamond Ave
Gaithersburg, MD 20877

Dear Mr Clifford:

As a follow-up to your letters of 10 January and 23 February 2018, I agree to assume title to Outlot A as reflected in the plat provided to me by you. I understand the lot is adjacent to my property at 14431 Seneca Rd, Germantown MD 20874, and is 22 feet wide by 260 feet long on which the developer of Seneca Farms, LLC will install a driveway apron (minimum of 10 ft with 7-foot wings on each side) off the subdivision’s new road. I understand this does not impact my property on Seneca Rd, nor my current driveway and access to Seneca Rd. I also understand the assumption of title to Outlot A, use of the subdivision’s new road and the associated driveway apron to my property at 14431 Seneca Rd, Germantown MD 20874 will occur at no cost to me.

Sincerely,

[Signature]

Dr. Melinda M. Hutton
March 2, 2018

James R. Clifford, Sr., Esquire
Clifford, Debelius, Boynton & Hyatt, CHTD.
316 East Diamond Avenue
Gaithersburg, MD 20877

Dear Mr. Clifford,

I am writing to you in response to your letter of February 23, 2018 requesting my response concerning the assumption of title to Outlot B. After consideration, I have decided to allow the Seneca Farm developer to install a driveway apron for access to my driveway from the new subdivision’s road. In addition, I will assume the title to Outlot B, which lies adjacent to my property. I understand that Outlot B measures 27 feet wide and 480 feet long.

Let me know if you have further questions or need any further information.

Sincerely,

David and Mary Foster

David and Mary Foster
14505 Seneca Road
Germantown, MD 20874
(301) 926-0784