1. November 2, 2016

   Documents:

   1102.PDF

2. Site Plan Review - Dioguardi Brick Patio Replacement

   Documents:

   DIOGUARDI.PDF

3. Site Plan Review - Damark's Addition/Apartment

   Documents:

   DAMARKS02885520161028144210.PDF

4. Site Plan Review - NCW At East Hampton Recycling Center

   Documents:

   NEW CINGULAR RECYCLING02884120161028141108.PDF

5. Site Plan Review - Peconic Land Trust Barn And Storage

   Documents:

   PLT.PDF

6. Site Plan Review - 240 Fort Pond, LLC (The Arbor)

   Documents:

   240.PDF

PLANNING BOARD
TOWN OF EAST HAMPTON

AGENDA FOR MEETING OF: November 2, 2016
****

Board of Review:

Planning Board Log:

REGULAR MEETING

SUBDIVISIONS:

SUBWAIVERS:

SITE PLANS:

Three Mile Harbor Marina	Approval	Cunningham/East Hampton

OTHER:

Adoption of Minutes: October 26, 2016

URBAN RENEWAL:

COMPREHENSIVE PLAN:

OLD FILED MAPS:

PUBLIC HEARINGS:

****
****

PLANNING BOARD
TOWN OF EAST HAMPTON
WORK SESSION:
November 2, 2016

****

SUBDIVISION REVIEW:

SUBWAIVER REVIEW:

SITE PLAN REVIEW:

Dioguardi Brick Patio Replacement	Cunningham/Schantz/Amagansett
Damark's Addition Apartment	Cunningham/Schantz/East Hampton
NCW at East Hampton Recycling Center	Cunningham/Schantz/East Hampton
Peconic Land Trust Barn and Storage	Leber/Schantz/Amagansett
240 Fort Pond, LLC (The Arbor)	Keeshan/Pahwul/Montauk

COMPREHENSIVE PLAN:

ZONE CHANGES:

OTHER:

URBAN RENEWAL:

OLD FILED MAPS :

****

TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

October 27, 2016

TO: Planning Board

FROM: Eric Schantz
Senior Planner

RE: Dioguardi Brick Patio Replacement – Site Plan
SCTM# 300-110-1-10
Application # A0520140016

Last Review Date: Public hearing held on August 10, 2016

Items and Date Received: N/A

Background Information: This application was originally made to add a 27' X 6' (162 sq. ft.) brick-in-sand patio on a parcel containing a use that had existed as a pre-existing non-conforming restaurant use after the zoning of the property was changed from RB: Retail Business to A: Residence in 1984. The brick-in-sand patio is no longer proposed although the original name of the application remains ("Dioguardi Brick Patio Replacement Site Plan"). The application now is a phased site plan for which Phase I entails the addition of some new minor accessory structures such as fences, a handicapped-accessible parking space and building access and the relocation of some accessory structures including portable walk-in coolers and a trash compactor. Phase II is the creation of a new parking lot on the western portion of the subject parcel.

The subject parcel is roughly ½ acre in lot area and is situated in Amagansett along the Napeague stretch on the north side of Montauk Highway. The parcel is zoned A: Residence and is within the Flood Hazard Overlay District as it is wholly within the Zone AE el. 10 flood zone. It is roughly 75% cleared of native vegetation and areas of remaining vegetation are dominated by invasive species, particularly Japanese Black Pine (*Pinus thunbergii*). The property is severely encumbered by expansive areas of freshwater wetlands on the roughly 1 acre Town-owned nature preserve immediately to the east as well as two small pocket wetlands on the property to the immediate west (SCTM#300-110-1-9).

Issues for Discussion:

Public Hearing
A public hearing for this application was held on August 10, 2016. Three (3) members of the public spoke at this hearing in support of the proposed project and no letters have been written to date.

SEQRA
The Planning Department has prepared the attached EAF Part II & III. A negative declaration pursuant to SEQRA and Chapter 128 of the Town Code is recommended.

Town Engineer Comments
The Board should read the comments of the Town Engineer.

Office of Fire Prevention
By letter dated August 12, 2016 the Office of Fire Prevention has stated that no further review for fire-fighting purposes is required.

Conclusion
In conclusion, the Board should make a SEQRA declaration at this time and determine if the application is ready for approval.

Items to be approved:

- Site Plan (Sheet C- 1) prepared by Saskas Surveying Company, P.C. dated last revised May 18, 2016

Conditions of approval:

- Approval of the ARB
- Approval of the Zoning Board of Appeals

ES

Negative Declaration?

Additional comments: _____

_____

Is the application ready for approval?

Additional comments: _____

_____

Additional Board Comments:

_____

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Dioguardi Brick Patio Replacement SP
Date : 11/02/16

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer **"Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer **"No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☑ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☑	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☑	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☑	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☑	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☑	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☑	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☑	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☑	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☑	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k) ☑ NO ☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. (See Part 1. D.2.m., n., and o.) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES
(See Part 1. C.1, C.2. and C.3.)
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES
(See Part 1. C.2, C.3, D.2, E.3)
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : Dioguardi Brick Patio Replacement SP

Date : 11/02/16

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the East Hampton Town Planning Board as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☑ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Dioguardi Brick Patio Replacement Site Plan	
Name of Lead Agency: Planning Board	
Name of Responsible Officer in Lead Agency: Reed Jones	
Title of Responsible Officer: Chairman	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer)	Date: 11/02/16

For Further Information:

Contact Person: Eric Schantz

Address: 300 Pantigo Place, Suite 105

Telephone Number: (631) 324-2178

E-mail: planningboard@ehamptonny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Background:
This application was originally made to add a 27' X 6' (162 sq. ft.) brick-in-sand patio on a parcel containing a use that had existed as a pre-existing non-conforming restaurant use after the zoning of the property was changed from RB: Retail Business to A: Residence in 1984. The brick-in-sand patio is no longer proposed although the original name of the application remains ("Dioguardi Brick Patio Replacement Site Plan"). The application now is a phased site plan for which Phase I entails the addition of some new minor accessory structures such as fences, a handicapped-accessible parking space and building access and the relocation of some accessory structures including portable walk-in coolers and a trash compactor. Phase II is the creation of a new parking lot on the western portion of the subject parcel.

The subject parcel is roughly ½ acre in lot area and is situated in Amagansett along the Napeague stretch on the north side of Montauk Highway. The parcel is zoned A: Residence and is within the Flood Hazard Overlay District as it is wholly within the Zone AE el. 10 flood zone. It is roughly 75% cleared of native vegetation and areas of remaining vegetation are dominated by invasive species, particularly Japanese Black Pine (*Pinus thunbergii*). The property is severely encumbered by expansive areas of freshwater wetlands on the roughly 1 acre Town-owned nature preserve immediately to the east as well as two small pocket wetlands on the property to the immediate west (SCTM#300-110-1-9).

Phase I:
A number of additions and improvements were made to the site subsequent to the issuance of the last certificate of occupancy without benefit of site plan approval and/or variances, where required. The applicants propose to remove all such changes and bring the site back to the condition upon which the Town has determined the property is legally pre-existing. Additionally, some minor accessory structures are proposed, mainly to provide handicapped-accessibility as well as to confine patrons to an area along the western face of the existing restaurant, as opposed to the southern face of the building, which is situated in close proximity to Montauk Highway, a 55 mile per hour roadway. These changes should greatly improve public safety in this area, both for motorists on the Town's main highway and for restaurant patrons. These changes include:

- Complete removal of the front bar and any other structures (including decking) south of the front face of the principal building and fencing/vegetative screening. A new seating area is proposed at the front of the building. There will be no bar counter or service window at the front of the building to service this area. The area will contain fixed seating so that it cannot be converted to a standing area and will be capped at 20 seats/persons. It will be screened from Montauk Highway by 6' tall Eastern red cedars (*Juniperus virginiana*) and a 4' tall stockade fence.
- The canopy, portions of the deck and the native stone seating area on the western side of the building will be removed. A roughly 30' X 45' (1,350 sq. ft.) outdoor area (referred to as the "corral") for patrons would be established and cordoned off from the parking lot through a combination of fencing and vegetative screening. This outdoor area, the area on the south side of the building and the interior of the building would be the only areas available/accessible to serve patrons.
- There is a proposed new bar countertop on the western side of the building, replacing the bar countertop on the southern portion of the building which previously focused patrons

in an area close to Montauk Highway. This bar is 14' in length. An existing canopy which was previously proposed to be removed is now proposed to remain to shield the bar from rain.

- All areas of brick patio along the eastern side of the principal building along with all accessory structures will be removed with the exception of two (2) 8' X 20' (160 sq. ft.) storage containers, the grease bin and the dumpster/garbage compactor. The grease bin and dumpster/garbage compactor would be placed on concrete slabs and screened with stockade fencing.

Additionally, the proposed project includes a number of mitigation measures to prevent over-crowding of the site and/or the spilling out of patrons onto the Montauk Highway right-of-way. These include:

- Seating would be limited to the amount previously approved by the Suffolk County Department of Health Services: 62 total seats with 36 outdoor and 26 indoor. Seating could be located in the interior of the restaurant or in the ~1,350 sq. ft. patron area along the western side of the building or in the small area on the south side of the building.
- No more than 150 persons would be allowed on the property at any one time. This includes patrons (whether standing or seated) and employees.

Phase II:
Phase II is for the proposed new parking lot and associated fencing and screening. A (minimum) twenty-one (21) space parking lot will be created as this is the minimum requirement for a restaurant of the previously-approved size. This parking lot would have fencing and vegetative screening as appropriate to reduce visibility from Montauk Highway.

The neighboring parcel to the immediate west contains a small, isolated pocket of freshwater wetlands. The proposed parking lot would extend to within roughly 46' of these wetlands, ultimately necessitating the granting of a Natural Resources Special Permit and variance(s) from the Zoning Board of Appeals.

The Planning Board is confident that this parking lot can be designed in a manner which will not present the potential for any adverse impacts to the nearby freshwater wetlands. However, as of the date of this Environmental Assessment Form, no drainage calculations or plans for the design of the parking lot have been submitted. Therefore, the Planning Board conditions its determination that there will not be a significant adverse impact to the wetlands upon the submission of a drainage plan for storm water run-off control which utilizes any and all methods necessary to prevent any run-off from directly impacting these protected natural features. This includes but is not limited to: pervious substrates, re-grading, drywells, retaining walls, vegetative buffers, etc.

Sanitary System
During the course of review, both public comments as well as those of multiple Planning Board members expressed concerns over the potential impacts on groundwater and the adjacent freshwater wetlands (on parcels both to the east and west) from the existing, antiquated sanitary system, which consists of four (4) leaching pools and no septic tank. The potential for adverse

impacts is further exacerbated by the very shallow depth to groundwater in this area (roughly 2.5' below grade as per the submitted test hole data). The Planning Board ultimately feels that the most appropriate action would be to update the sanitary system.

However, we note that the final jurisdiction over the design and location of all sanitary systems lies with the Suffolk County Department of Health Services (SCDHS). It is our understanding that, as the applicants do not propose to expand this facility, which has a previous SCDHS approval for the sanitary system and for sixty-two (62) seats, that an update of the system cannot be required by the Planning Board as part of this site plan. Additionally the applicants have agreed to cap the number of seats to meet the SCDHS approval. The design of the site plan does not inherently preclude the property from having an updated sanitary system at a future date, should such an update be proposed.

Flood Hazard Overlay District

The subject parcel is situated within the Town's Flood Hazard Overlay District as it is entirely within the Federal Emergency Management Agency's (FEMA) Zone AE elevation 10, as indicated on that agency's Flood Insurance Rate Map (FIRM). As such the Planning Board has concerns over the site's vulnerability to flood damage as the majority of the property is situated at an elevation of 5' ASL. Were the applicants proposing a new or substantially-renovated building, this building would have to have its first floor elevated to 2' above the base flood elevation, or at 12' ASL, which is roughly 7' over the existing grade. However, in the case of the subject application, no new buildings are proposed and no expansions are proposed.

Conclusion

As per New York State Department of Environmental Conservation Rules and Regulations pertaining to State Environmental Quality Review section 617.7 (Determining Significance), subsection (d) the Planning Board finds that Phase II of the proposed action (construction of the parking lot) could present a potential for a significant adverse impact on the adjacent protected natural features, namely the areas of freshwater wetlands to the west of the parcel. However, by designing this parking lot to contain and control all generated storm water run-off and by conditioning that the applicants submit a plan that demonstrates the same, the Planning Board makes a conditional negative declaration pursuant to SEQRA and Chapter 128 of the Town Code.

Town of East Hampton

300 Pantigo Place
East Hampton, NY 11937-2684

DEPARTMENT OF ENGINEERING

THOMAS D. TALMAGE, P.E.

Town Engineer

Telephone (631) 324-1624
Fax (631) 324-1476

MEMORANDUM

October 27, 2016

TO: Planning Board

FROM: Thomas Talmage, Town Engineer P.E. Thomas Talmage

RE.: Additional Info for Site Plan – Dioguardi Brick Patio Replacement

Premises situate: 2167 Montauk Highway, Amagansett
SCTM # 300-110-1-10

As requested, I have reviewed the above referenced application reviewed on July 22, 2016 including the Site Plan prepared by David L. Sashays L.S, dated July 29, 2005 and last revised May 18, 2016.

I find the Site Plan elements to be satisfactory.

Should you have any questions or concerns please do not hesitate to contact my office.

TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

October 24, 2016

TO: Planning Board

FROM: Eric Schantz EB, mw
Senior Planner

RE: Damark's Deli Addition/Apartment Site Plan/Special Permit Modification
SCTM# 300-120-2-15
Application # A0520060189

Last Review Date: Public hearing held on October 19, 2016

Items and Date Received: Building Inspectors determination dated

Background Information: Site plan approval was granted on March 7, 2012 to build a 2,776 sq ft. first-floor addition to an existing 1,996 sq ft. retail deli and to build a 1,700 sq ft. second-floor apartment, to add associated parking, lighting and landscaping and to remove an existing mobile home, garage, an outdoor cold storage trailer, several outdoor freezers, coolers and storage shed.

The originally approved building featured a 4,772 sq. ft. first story for retail and 1,700 sq. ft. second story apartment. There was also a 4,574 sq. ft. basement for storage and mechanical space. The applicants now propose a 6,155 sq. ft. partially above ground level basement for storage, walk-in coolers, mechanical spaces, an office and a catering kitchen and a 5,400 sq. ft. first floor (still) for a retail (deli) use. The second story apartment is no longer proposed.

A Natural Resources Special Permit (NRSP) and variance was granted by the Zoning Board of Appeals on June 24, 2008 in order to allow the removal of accessory structures from within wetlands jurisdiction as well as to allow the second-floor accessory apartment to be 1,771 sq ft. whereas 1,200 sq ft. is the maximum allowable under §255-5-50 of the Town Code.

The subject property is located on the corner of Three Mile Harbor Road and Soak Hides Road in East Hampton. The parcel is zoned NB: Neighborhood Business and is within the Harbor Protection Overlay District (HPOD). With the exception of three (3) NB –

zoned parcels situated diagonally from the subject parcel across Three Mile Harbor Road all nearby properties are zoned residential.

Issues for Discussion:

Public Hearing
A public hearing for this application was held on October 19, 2016. Three (3) members of the public spoke at this hearing in support of the proposed project. One person stated that the proposal to have the portion of Soak Hides Road between the site's entrance and Three Mile Harbor Road be a two-way traffic pattern should be changed and that it should remain a one-way pattern. The Planning Department disagrees with this simply as it would necessitate that all traffic leaving the site would have to turn right and travel the entire distance of Soak Hides Road in order to get back to Three Mile Harbor Road.

Three (3) letters were submitted to the file, all in opposition to the proposed project. The letters outlined the following concerns:

Impact on Traffic:
Concerns were raised over the impact that the expansion of the deli would have on the already dangerous and haphazard parking conditions.

The Planning Department notes that the modification request has a minimal impact on the already-approved parking layout. Additional parking spaces have been provided as gross floor area is proposed to increase and a total of thirty four (34) parking spaces are proposed in a lot to the rear of the site, completely removed from Three Mile Harbor Road. The Planning Department anticipates a significant positive impact to adjacent traffic patterns from this new layout.

Impact on Groundwater:
Each of the three letters expressed concerns over the impact of the proposed project on groundwater quality and the close proximity of the basement to anticipated groundwater elevation was specifically referenced.

The subject parcel is situated within the Harbor Protection Overlay District (HPOD). A portion of the far northwestern corner of the property is within 150' of wetlands associated with Three Mile Harbor (part of the Soak Hides dreen). At the time of the original site plan application, a Natural Resources Special Permit (NRSP) was obtained for the removal of accessory structures (sheds and trailers) in this portion of the property and for the creation of the new parking lot, portions of which will be within NRSP jurisdiction. At that time, the Planning Department and Town Engineer reviewed the proposed design and grading of the parking lot as well as the proposed drainage control structures. The result of the project, in terms of impacts of storm water run-off on the nearby wetlands, should be a significant improvement over existing conditions.

The application also involves the updating of a sanitary system which we believe was last updated in 2000. The proposed system is a multi-galley modern system which meets the

required 2' separation from groundwater and which is greater than 250' from the edge of the nearby wetlands.

The submitted basement profile plan (Sheet A3.0) indicates a distance between the basement and groundwater at 2 ¾". Although there is no Code-required minimum separation between basements and groundwater, the Board, Planning Department and members of the public have expressed concern over this design. The applicants have submitted a report prepared by Shawn M. Barron, M.S. dated September 14, 2016 which included a test hole to measure the elevation of groundwater between September 8, 2016 and October 10, 2016, as monitored by D.B. Bennett, P.E., P.C. The report shows a fluctuating groundwater elevation but one which is roughly 2' below the bottom of the basement, as proposed.

The Board should discuss the public comments and form a consensus on whether or not the concerns raised therein have been adequately addressed.

Town Engineer Comments
By memo dated July 25, 2016 the Town Engineer found the engineering elements satisfactory.

Office of Fire Prevention
By letter dated August 12, 2016 the Office of Fire Prevention has stated that no further review for fire-fighting purposes is required.

Architectural Review Board (ARB)
The Planning Board should make ARB approval a condition of site plan approval, should they choose to grant it.

Conclusion
In conclusion, the Board should discuss the public comments and form a consensus on whether or not to approve the proposed modification.

Items to be approved:

- Site Plan (SP1) prepared by D.B. Bennett, P.E., P.C. dated last revised October 14, 2016
- Landscape/Lighting Plan (L1) prepared by D.B. Bennett, P.E., P.C. dated last revised July 11, 2016
- Building Plans prepared by D.B. Bennett, P.E., P.C. dated last revised July 11, 2016: Cover Sheet (A-0.0), First Floor Plan (A-1.1), South/North Elevation Window/Door Schedule (A-2.0), East/West Elevation Window/Door Schedule (A-2.1), Sections (A-3.0), Foundation Plan (S-1.0), a set of plans dated received July 20, 2016 prepared by D.B. Bennett including: South Elevation-2011 and East Elevation-2011; and a Basement Plan (A-1.0) prepared by D.B. Bennett dated revised July 22, 2016

Conditions of approval:

- Approval of the ARB

ES

Is the modification application ready for approval?

Additional comments: _____

_____

Additional Board Comments:

_____

TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

October 25, 2016

TO: Planning Board

FROM: Eric Schantz
Senior Planner

RE: New Cingular Wireless PCS, LLC (aka AT & T) @ East Hampton Recycling Center Personal Wireless Service Facility (PWSF) – Site Plan/Special Permit
SCTM# 300-145-3-16.1

Last Review Date: January 27, 2016

Items and Date Received: Structural analysis, FCC compliance report, set of plans and elevations all dated received September 20, 2016

Background Information: Application has been made to construct a new Personal Wireless Service Facility (PWSF) consisting of a 199' tall monopole with eight (8) sectors accommodating two (2) antennas each. Also proposed is a fenced-in equipment compound and roughly 12' X 20' (240 sq. ft.) shed at the base of the monopole.

The parcel is zoned CI: Commercial Industrial and is situated on Springs – Fireplace Road. It is owned by the Town of East Hampton and is the location of offices for the Town Highway Department as well as the Town's East Hampton Recycling Center. The property already has a ~150' tall cell tower which currently contains equipment for Sprint and T-Mobile, with Verizon having a previous approval to add their equipment to the existing tower. The subject application proposes no new equipment on the existing tower.

Issues for Discussion:

Application History
The application was originally submitted for a 150' tall temporary "cell on wheels". The Planning Board stated that if a second tower was to be built at this site that an effort should be made to consolidate the carriers on the existing tower to the new tower along with New Cingular Wireless. The Planning Board send comments to the Town Board stating the same and this general concept was presented to the Town Board by the applicants this past summer. At that time, the applicants had presented three (3) options:

one at 150', one at 175' and one at 199'. The Town Board agreed to allow a new monopole, in general, but stated that the issues of the height, location, etc. should be addressed by the Planning Board during the site plan/special permit process.

The applicants are now proposing only one option: the 199' tall tower. The submitted monopole elevations indicate that the center line of the lowest mounting sector would be roughly 125' above grade. Currently, T-Mobile, which occupies the lowest position on the existing 150' tall tower is situated at roughly 127' above grade. Therefore, it does appear that a new monopole of less than the proposed 199' may result in at least one carrier being situated below their current level above grade. The Planning Department feels it is vital to insure that no carrier would be situated below their existing mounting height on the new monopole as we want to insure that there is adequate incentive to re-locate their equipment and consolidate all carriers onto the new monopole. The Board should discuss this issue and determine whether or not a 199' tall monopole is acceptable at this site.

Coordination/Consolidation of Carriers

The proposed monopole contains eight (8) sectors in which antennas can be mounted. This represents two (2) sectors able to accommodate three (3) panel antennas each for each carrier. New Cingular Wireless proposes to take the top mounts which range from 199' AGL – 179' AGL. The second set of sectors ranges from 179' AGL – 159' AGL. The third set ranges from 159' AGL – 139' AGL. The fourth and lowest set ranges from 139' AGL – 119' AGL.

The heights of the carriers on the existing 150' tower are as follows: Sprint: ~147' AGL, Verizon: ~137' AGL, T-Mobile: ~127' AGL.

The Planning Department would recommend that the Board preserve this order for the proposed new 199' monopole, should it ultimately be approved. The Board may wish to discuss the legality and specifics of this with Counsel. It is noted that Sprint and T-Mobile's lease agreements with the Town expire in 2021 and 2022, respectively. Verizon has yet to sign a lease agreement.

Special Permit Standards

The majority of the Planning Department's comments in the initial evaluation memorandum are still relevant to the modified application. However, the Board is reminded that this parcel represents an opportunity site but that the monopole would not be located in an area concealed by trees or inconspicuously-mounted. The Planning Department does note though that the monopole design with interior-mounted antennas is considered a superior aesthetic to that of the protruding arm-mounted antennas, such as that of the existing 150' tall tower.

RF Engineer's Report

The applicants have submitted an RF Engineer's report (prepared by Pinnacle Telecom Group dated August 1, 2016) which verifies that the proposed changes to the facility will be in compliance with Federal Communications Commission standards.

Structural Analysis
The applicants have submitted a letter from Wells L. Holmes, P.E. dated September 14, 2016 which verifies that the structure meets all applicable regulations regarding wind and ice load and that it can accommodate not only New Cingular Wireless' equipment but also at least three (3) panel antennas in each of the eight (8) sectors.

Visual Analysis
The applicants had previously submitted a thorough visual analysis (prepared by VHB dated October 2015) which included visual renderings of a 199' tall monopole from numerous locations within the surrounding area. The Board should refer to this document and should determine at this time whether or not any additional visual renderings are required.

Conclusion
In conclusion, should the Board not require any additional information then the application is complete and ready to be scheduled for a public hearing. The Board should first discuss the idea of a new 199' monopole on this site, in principal and form a consensus on whether or not it could ultimately meet to site plan and/or special permit standards.

ES

Planning Board Consensus

Is the application complete and ready to be scheduled for a public hearing or does any additional information need to be submitted at this time?

Additional comments: _____

_____

Additional Board Comments:

_____

_____

_____

_____

TOWN OF EAST HAMPTON
300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

SITE PLAN INITIAL EVALUATION
Peconic Land Trust Barn and Storage – Site Plan
SCTM#300-150-3-1.2

Prepared by: Eric Schantz
Senior Planner

Date: October 25, 2016

1. APPLICATION INFORMATION

A. INFORMATION RECEIVED: Application form, survey, site plan, building plans
B. DATE SUBMITTED: August 25, 2016
C. OWNER: Peconic Land Trust
D. APPLICANT/AGENT: Andrew Strong
E. SCHOOL DISTRICT: Amagansett
F. STREET NAME: 660 Old Stone Highway
G. TYPE OF STREET: Town
H. **ZONING DISTRICT:** A5: Residence, Agricultural Overlay District
I. SEQRA - TYPE OF ACTION: Type II
J. INVOLVED AGENCIES: N/A
K. OTHER REVIEW: Town Engineer, Office of Fire Prevention, Architectural Review Board

2. DESCRIPTION OF PROJECT

A. PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE: Agriculture
B. EXISTING USE(S) AS CLASSIFIED BY TOWN CODE: Agriculture
C. ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE? permitted
D. AREA OF PARCEL (SQUARE FEET): 609,581 sq. ft.
E. MOST RECENT CERTIFICATE OF OCCUPANCY: 5/12/68- C.O. SAMUEL RUBIN (TO BE CONVEYED TO REED RUBIN)
F. DESCRIPTION OF EXISTING STRUCTURES: 1,200 sq. ft. shop building, 540 sq. ft. (45' X 12') greenhouse, 900 sq. ft. (60' X 15') greenhouse, 1,800 sq. ft. (72' X 25') greenhouse

G. **DESCRIPTION OF PROPOSED STRUCTURES:** 56' X 50' (2,800 sq. ft.) barn
H. **EXISTING & PROPOSED LOT COVERAGE:** existing: 3,240 sq. ft., proposed: 5,040 sq. ft.
I. **EXISTING & PROPOSED TOTAL COVERAGE:** Information not provided
J. **HEIGHT OF PROPOSED STRUCTURES:** 31'
K. **NUMBER OF STORIES OF PROPOSED STRUCTURES:** 1.5
L. **NUMBER OF EXISTING PARKING SPACES:** Information not provided
M. **NUMBER OF PARKING SPACES REQUIRED:** To be determined
N. **TOTAL PARKING SPACES PROVIDED:** See issues for discussion
O. **VARIANCES REQUIRED:** Does not appear to need any variances
P. **DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** Information not provided
Q. **DISTANCE TO PUBLIC WATER:** ~2,000'
R. **SOURCE OF WATER SUPPLY:** Private well (?)
S. **METHOD OF WASTE DISPOSAL:** Individual sanitary system (?)
T. **DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** Information not provided
U. **NUMBER OF ACCESS POINTS:** 2
V. **IS SIGHT DISTANCE ACCEPTABLE?** To be determined by the Town Engineer

3. **SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)**
See issues for discussion below

4. **SITE ANALYSIS:**
A. **SOIL TYPE:** BgB: Bridgehampton silt loam, till substratum, 2 – 6% slopes
B. **FLOOD HAZARD ZONE:** X
C. **DESCRIPTION OF VEGETATION:** Nearly 100% cleared (exempt as an agricultural property)
D. **RANGE OF ELEVATIONS:** Not provided
E. **NATURE OF SLOPES:** Moderate to gently sloping
F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** N/A
G. **SETBACK FROM ANY WETLAND OR WATER BODY:** >400'
H. **ARE THERE TRAILS ON SITE?** No
I. **DEPTH TO WATER TABLE:** Information not provided
J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
K. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No

Town Community Preservation Fund List	No
Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	Yes
Town Overlay District	AGO

Other Background Information:
Site plan application has been made to construct a 2,800 sq. ft. (56' X 50') 1.5 story barn with a first floor office and restroom (with associated sanitary system) and a loft above.

The property is situated along Old Stone Highway, Side Hill Road, and Deep Lane in Amagansett. It is nearly 100% cleared of natural vegetation and contains mostly cultivated agricultural fields. The property contains areas of prime agricultural soils in the form of Bridgehampton silt loam, till substratum and Haven loam. All neighboring properties are zoned residential (either A5 or A2) and the parcels to the immediate north, west and south are also within the Agricultural Overlay District.

Site plan approval was last granted in 2015 for a 1,800 sq. ft. greenhouse.

Issues for Discussion:

Agricultural Easement
The new barn is proposed to be located in an area of the property which is covered by an agricultural easement. This easement prohibits all structures except those which are to be used for agricultural purposes. The Board should discuss the intended nature of use of the building to insure that it is consistent with the definition of agriculture.

Site Plan Requirements
The applicants have submitted a site plan which contains all necessary elements with two exceptions: 1.) the site plan title should be "Peconic Land Trust Barn & Storage", and 2.) the coverage calculations do not appear to match those for the proposed project (the building is identified as 4,144 sq. ft. whereas it is listed as 2,800 sq. ft. in the application form). The coverage calculations and title should be amended at this time.

Barn Location
The barn is 31' in height and proposed adjacent to the existing dirt access road on a high point of the western portion of the property. Due to existing topography and vegetation the barn should not be visible from Old Stone Highway. It will be partially obscured by a vegetated berm along Side Hill Road. It will most likely be highly visible from Deep Lane. The Board may wish to discuss whether or not an alternative location which is more screened should be chosen and/or if landscaping should be employed. It is noted that there is a stand of eastern red cedars (*Juniperus virginiana*) in this area.

Parking
There is not established parking requirement in the Town Code for the addition of a barn. The Board should discuss with the applicants whether additional parking is necessary.

Aerial photograph of the subject property with topographic contour lines and with an approximation of the proposed location of the barn (red)

Lighting

The applicants have submitted a lighting plan which includes two (2) wall-mounted fixtures. The Planning Department finds this plan acceptable but notes that control measures (e.g. switch, motion sensor, etc.) have not been identified. The Planning Department recommends that the Board require the lights to be controlled by motion sensor.

Architectural Review Board

The application will be referred to the Architectural Review Board and comments are pending.

Town Engineer

The Board should read the comments of the Town Engineer.

Office of Fire Prevention

The application has been referred to the Office of Fire Prevention and comments are pending.

Public Hearing
Due to the fact that the proposed 2,800 sq. ft. barn exceeds the maximum limit for which the Board can waive the public hearing requirement (500 sq. ft.), a public hearing will be required for this application.

Conclusion
In conclusion, the Board should form a consensus on the issues listed above.

ES

Planning Board Consensus

Does the Board find the proposed location of the barn acceptable? Should landscaping or screening be provided?

Additional comments: _____

_____

Should a revised site plan be submitted?

Additional comments: _____

_____

Does the Board find the lighting plan acceptable provided motion sensors are used?

Additional comments: _____

_____

Additional Board Comments:

_____

_____

_____

_____

PLANNING - <PREPARERS NAME> - <DATE>

Basemaps: 2013 NYS Digital Ortho Photography
Suffolk County Real Property Tax Service
COPYRIGHT 2016, COUNTY OF SUFFOLK, N.Y.
Real Property Taxmap parcel linework used with permission of
Suffolk County Real Property Tax Service Agency (R.P.T.S.A.)

N

1 " = 300 feet

Feet
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THE TOWN OF EAST HAMPTON

PECONIC LAND TRUST BARN & STORAGE

NO PORTION OF THIS MAP MAY BE MAINTAINED, ALTERED, SOLD, DISTRIBUTED, REPRODUCED, STORED IN OR INTRODUCED INTO A RETRIEVAL SYSTEM, OR TRANSMITTED, IN ANY FORM OR BY ANY MEANS (ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE), WITHOUT THE PRIOR WRITTEN PERMISSION FROM THE TOWN OF EAST HAMPTON.

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Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York
Dept. of Information Technology

Date Prepared: <Month day, Year>

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Town of East Hampton

300 Pantigo Place
East Hampton, NY 11937-2684

DEPARTMENT OF ENGINEERING

THOMAS D. TALMAGE, P.E.

Town Engineer

Telephone (631) 324-1624
Fax (631) 324-1476

MEMORANDUM

October 27, 2016

TO: Planning Board

FROM: Thomas Talmage, Town Engineer P.E. Thomas Talmage

RE.: Site Plan – Peconic Land Trust Barn and Storage
Premises Situate: 660 Old Stone Highway, Amagansett
SCTM# 300-150-03-1.2

As requested, I have reviewed the above reference application received on August 23, 2016, including Site Plan C-1 prepared by Vince Gaudiello P.E. dated April 18, 2016 and last revised August 3, 2016. Specification sheets containing a cover sheet, drawings 1.01, 1.02, 2.01, 3.01, 3.02, 4.01 dated May 18, 2016, last revised June 20, 2016 by Elvin R. Engel R.A were submitted and reviewed.

I find the engineering site plan elements to be satisfactory.

Should you have any questions or concerns, please do not hesitate to contact my office.

Cc: A. Strong
G:\JWilkins\engineering\site plans\300-150-3-1.2 Peconic Land Trust - Quail Hill Farm.doc

TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

October 27, 2016

TO: Planning Board

FROM: JoAnne Pahwul, AICP
Assistant Planning Director

RE: 240 Fort Pond LLC (The Arbor Restaurant)
SCTM#300-16-2-38

Last Review Date: A public hearing was held on October 26, 2016

Items and Date Received: Letter dated March 3, 2016, from Hampton Septic Services, Inc.

Background Information:
The subject 26,144 sq. ft. parcel is zoned Neighborhood Business and located in Montauk with frontage on Flamingo Avenue, Edgemere Street and Fort Pond Road. The site is improved with a one story, 5, 711 sq. ft. restaurant that pre-exists zoning, with a partial second story utilized for employee housing.

Site plan application is made for two patios for outdoor dining. The first a 20' x 45', or 900 sq. ft., patio on the southerly side with a 240 sq. ft. seating area for 16 seats and also containing a service bar and the second a 12' x 30' or 360 sq. ft. patio on the westerly side with 24 seats. A 400 sq. ft. arbor, revisions to the parking lot that include the realignment of parking spaces and the removal of paving, and the provision of landscaping and lighting are also proposed.

Public Hearing Comments
A public hearing was held on October 26, 2016. Several members of the public spoke at this hearing and a number of letters were submitted to the file. At the hearing the applicant's attorney, Tina Piette submitted a letter from Hampton Septic Services.

Kevin McAlister of Defend H20 expressed concerns regarding the sanitary system and impacts to groundwater given the proximity of the site to Fort Pond. Specifically, he was concerned that the depth to groundwater on the parcel was only 5.5' where Suffolk

County Department of Health Services (SCDHS) requires a 3' separation from the bottom of leaching pools to groundwater, that the leaching pools were not adequate, and that the project is not in compliance with Article 6 of the Suffolk County Sanitary Code.

Mr. McAlister stated that the letter submitted to the Planning Board file from Norsic Sanitation Services described large capacity cesspools which are banned by the EPA. He also stated that if the flow exceeds 1,000 gpd the facility must provide denitrification.

He further stated that Suffolk County should be requiring advanced treatment where necessary to bring old septic systems up to current standards and that if Suffolk County is not leading, the Town needs to step up as it has been a leader in groundwater protection issues in the past. Mr. McAlister stated his concern that if the project is approved as is today, it will be status quo for another 10-20 years. He recommended that the Board ask that a licensed engineer certify that the system is in compliance with 1973 SCDHS regulations.

Lou Cortese, representing the Ditch Plains Association, also spoke at the hearing with concerns over the lack of an adequate sanitary system on the site. He stated that if the sanitary system was installed after 1973 there should be paperwork at the SCDHS showing that septic tanks were installed. He suggested that the Town submit a FOIL request to the SCDHS for records regarding the existence of septic tanks since there was conflicting information from Norsic & Hampton Septic. He stated that EPA had ruled that high capacity cesspools are illegal and that the Planning Board has the authority not to approve the project without septic improvements.

Six letters of support from the neighboring property owners were submitted to the Planning Board file expressing support for the project based on the improvements made to the site.

Tina Piette, attorney for the applicant, also spoke at the hearing and submitted a letter from Hampton Septic stating that there were two septic tanks on the subject site. She also stated that the proposed 165 seats were significantly less than the 204 allowed by the food services permit. She further identified benefits of the project that include the addition of drainage, the reduction in coverage as a result of replacing concrete with landscaping, and the addition of two parking spaces. Ms. Piette also stated that the two sewage treatment plants in the area, serving the Montauk Manor and Rough Riders, are at capacity and that the property owner has looked at alternative systems and found that there is not sufficient space on site and not enough year round flow to support these alternatives. She also stated that the applicant will continue to explore alternative systems and would be interested in hooking up to a community system should one become available.

Planning Department Response

Under the Clean Water Act, wastewater regulations have been delegated to the New York State Department of Environmental Conservation. The DEC sets a standard for treatment of wastewater flow for discharges of 1,000 gallons per day that nitrogen must not exceed 10 milligrams per liter. Suffolk County, as an agent of the State, established a Sanitary Code in 1973 that must comply with the minimum standards set by the NYSDEC.

Standards for commercial wastewater systems are promulgated in Article 6 of the Suffolk County Sanitary Code. These standards specify design requirements that include the necessity for a septic tank and for a 3' separation to groundwater. Standards for determining project density loading rates and design sewage flow rates are also set.

Based on these rates, a restaurant with 125 interior seats and 40 exterior seats would generate a density load of 1,640 gpd that would contribute to nitrogen loading and an overall hydraulic load of 4,950 gpd.

In 1999, the U. S. Environmental Protection Agency (EPA) passed regulations which prohibited the construction of new large-capacity cesspools, effective April 5, 2000 and required that all existing large capacity cesspools be upgraded or closed by April 5, 2005. The remedy for this was to hook up to public sewer lines or install septic tanks. Two letters have been submitted by the applicant regarding the sanitary system. The first from Norsic Sanitation Services itemizes the cesspools on site and makes no reference to septic tanks. The second letter from Hampton Septic indicates that there are two tanks on site. The information from these two sources is compared below.

East side of building

- Norsic - three 8' x 6' cesspools, each with a 1,250 gallon capacity (total 3,750 gallons), connected to an 8' x 4' cesspool with a 1,250 gallon capacity (total holding capacity of 5,000 gallons), with five attached overflow pools each with a 1,250 gallon capacity (total overflow capacity of 6,250 gallons).
- Hampton Septic – an 8,000 gallon tank

South side of building

- Norsic – two 8' x 6' cesspools, each with 1,875 gallon capacities, for a total of 3,750 gallons
- Hampton Septic – a 2,000 gallon tank

The attached copy of a FOIL request submitted to the SCDHS by the applicant indicates that that agency has no records with regard to the sanitary system. The site plan depicts five manhole covers on the east side and two on the south side. These may represent places where the sanitary effluent is pumped out.

Conclusion

The Planning Board should discuss whether to require that an engineer certify that the sanitary system for the project complies with the 1973 Suffolk County Sanitary Code standards in terms of having a septic tank and meeting minimum groundwater separation requirements. The Planning Department recommends that the full extent of the septic system be depicted on the site plan and that approval from the SCDHS be a condition of site plan approval, as is a standard for site plans. It is noted that the project is not increasing the number of seats and therefore Planning Board Counsel should advise as to the Board's purview in this matter.

Planning Board Consensus

The Planning Board should discuss whether to require that an engineer certify that the sanitary system for the project complies with the 1973 Suffolk County Sanitary Code standards.

Additional comments: _____

The Board should discuss with Counsel the extent of the Board's purview in reviewing the sanitary system.

Additional comments: _____

Additional Board Comments:

_____

United States Environmental Protection Agency | Region 9 Ground Water Office (WTR-9) | EPA 909-F-04-005 MAY 2004 Update/HI

Ban on Large-Capacity Cesspools to Protect Public Health in Hawaii

New cesspool construction prohibited as of April 5, 2000

Existing cesspools must be closed by April 5, 2005

Nationwide Restrictions for Large-Capacity Cesspools: The U.S. Environmental Protection Agency (EPA) promulgated Underground Injection Control (UIC) regulations on December 7, 1999 which prohibit the construction of new large-capacity cesspools, effective April 5, 2000. **Existing large capacity cesspools must be upgraded or closed by April 5, 2005**. Cesspool owners are required to find a waste disposal alternative, such as connection to a municipal sewer, or installation of an onsite wastewater treatment unit (such as a septic system).

Large capacity cesspool owners must notify EPA and the Hawaii Department of Health (DOH) Underground Injection Control (UIC) programs of the existence of these cesspools and their intent to close them. To obtain an inventory form, EPA Form 7520-16, contact the Ground Water Office at (415) 972-3540 or download it from www.epa.gov/safewater. If you have questions about the ban, contact Laura Tom Bose or Shannon FitzGerald, toll-free at 1-866-EPA-WEST (1-866-372-9378) or by email at bose.laura@epa.gov, or fitzgerald.shannon@epa.gov. To register a cesspool with DOH, contact the UIC program at (808) 586-4258.

Why is EPA banning large Cesspools? Cesspools allow untreated sewage to percolate directly to soil and ground water. They are a public health and environmental concern. They are banned because of their likelihood of releasing disease-causing pathogens and other contaminants, such as nitrate, to ground water. The sewage moves through the ground and can contaminate ground water, streams (sources of drinking water) and the ocean.

What is large-capacity? Single-family homes are not subject to the Underground Injection Control (UIC) regulations.

- Non-residential cesspools, septic systems or similar waste disposal systems are covered under the UIC program if they are used for the disposal of sanitary waste and have the capacity to serve 20 or more persons per day, such as a cesspool at a visitor center, business or school.

- Residential large-capacity cesspools are covered by this regulation if they serve a multiple dwelling, community or regional system. For example, multiple homes plumbed into a single cesspool or a series of cesspools (gang cesspool(s)).

If cesspools are banned, how will we get rid of sewage? If municipal sewer lines are accessible, sewage should be disposed to the municipal sewer for treatment before its release to the environment. If a sewer line is not accessible, replacing or upgrading cesspools so that they are part of a conventional septic system (or enhanced onsite wastewater treatment system) is acceptable, and can reduce the risk of contamination.

Cesspool owners should consult with the DOH Waste Water Branch and the County Wastewater Program to learn what alternatives are allowable and what regulations or codes apply to their situation. The type of waste treatment required may vary based on an area's vulnerability to contamination, population density, soils, hydrogeology, and climate.

Failure to close or upgrade a large-capacity cesspool by April 5, 2005 could result in enforcement by the EPA, including a fine of $32,500 per day per large capacity cesspool.

The federal regulations can be found at 40 CFR part 144, Subpart G, which was published on December 7, 1999. For a copy, see the EPA Underground Injection Control (UIC) website at www.epa.gov/safewater, see Class V.

Technical information regarding treatment technologies can be found at www.epa.gov/owm/mtb/decent, see Toolbox.

DISCLAIMER:
The statements in this document are intended solely as technical assistance. This document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States.

Regulatory Terms

The following definitions are provided to assist you with understanding the regulatory requirements and are taken from the federal regulations at 40 CFR part 144.3 and Hawaii Administrative Rules (HAR), Title 11, Chapters 23 and 62.

Cesspool means a "drywell" that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides. [CFR] Further, it is an individual wastewater system which is designed to receive no more than 1000 gallons per day of domestic wastewater. [HAR]

Drywell means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids. [CFR]

Individual Wastewater System means a facility which is designed to receive and dispose of no more than 1000 gallons per day of domestic wastewater. [HAR]

Sanitary waste (domestic waste) means liquid or solid wastes originating from human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, food preparation, clothes or dish washing operations. [CFR]

Seepage pit means an excavation in the ground which receives the discharge from treatment units and permits the effluent to seep through its bottom or sides to gain access to the underground formation.[HAR]

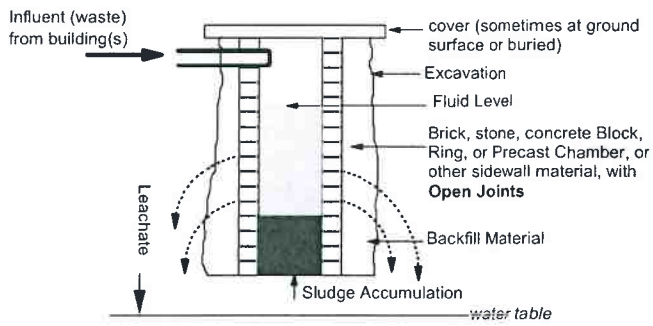
Septic system means a "well" that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system, e.g. seepage pit. [CFR]

Subsurface fluid distribution system means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. [CFR]

Well means a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.[CFR]

Other questions about Cesspools:

What does it mean "have the capacity to serve more than 20 persons per day?" Any cesspool that is being used or has been used by 20 persons in a single day meet the federal definition of a large capacity cesspool.



Typical Cesspool Design

What if my cesspool disposes of more than just sanitary waste or domestic wastewater? A cesspool receiving a combination of sanitary waste and/or a commercial waste, such as a cesspool serving a hospital, laundromat or supermarket is an industrial well. It is subject to federal and DOH UIC regulations as well as DOH Wastewater regulations. If the cesspool serves or has served 20 or more persons, it must be closed by April 2005. In addition, under state law, cesspools and other individual wastewater systems receiving less than 1000 gallons per day (gpd) cannot be used for industrial wastewater disposal, are in violation of state law, and must upgrade. Cesspools receiving flows of greater than 1000 gpd and all injection wells must apply for a permit from the DOH UIC program.

What if my cesspool is not a drywell by the federal definition? The term "drywell" is used in the regulation to cover the most common type of construction. Some areas may use other designs. Some areas may also experience changes in water table levels, so that a cesspool is in the saturated zone. Cesspools that intersect the water table are banned by DOH and must be upgraded. Discharge of untreated sewage directly into the water table may be an even greater risk than discharge to soil above the water table, particularly in the transport of viruses.

How do I close my cesspool? The DOH UIC program has specific backfilling requirements that are issued to the facility after an abandonment application is submitted by the facility. Backfilling should not occur unless backfilling instructions are issued. For information, contact the UIC program at (808) 586-4258.

How do I replace my system? Plans must be prepared by a professional engineer for all new or replacement wastewater systems and must be submitted to the DOH Wastewater Branch for review and approval prior to construction. For information, contact the Wastewater Branch at (808) 586-4294.

EPA United States Environmental Protection Agency

Underground Injection Control (UIC)

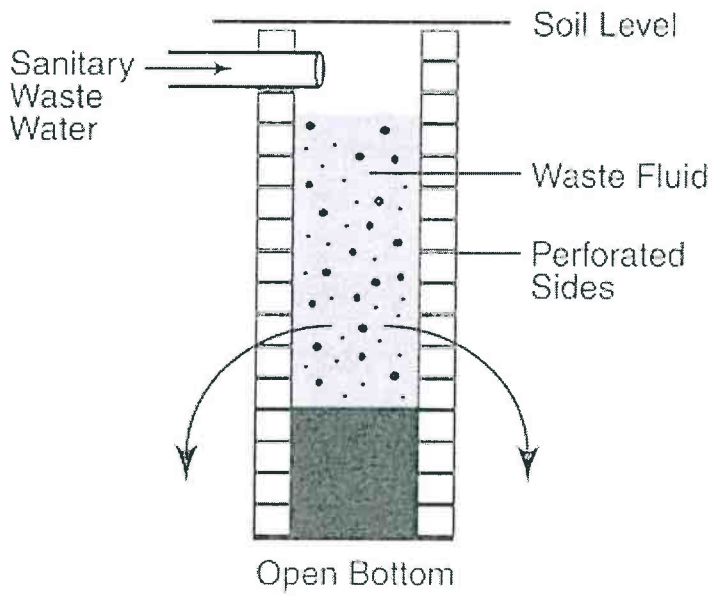
Large-Capacity Cesspools

On this page:

- What is a cesspool?
- What is a large-capacity cesspool?
- What is not a large-capacity cesspool?
- Why has EPA banned large-capacity cesspools?
- What are the requirements for closing large-capacity cesspools?
- What are my options after I close my cesspool?

This page will help you:

- Determine if you have a large-capacity cesspool
- Understand why large-capacity cesspools are banned
- Learn how to properly close your large-capacity cesspool
- Find alternative ways to



Cesspools are constructed below the ground surface. Sanitary waste enters near the top and percolates through an open bottom and porous sides.

dispose of your sanitary waste

What is a cesspool?

A cesspool is a shallow system for disposing of sanitary waste. Although structures vary, most cesspools consist of a concrete cylinder with an open bottom or perforated sides. Sanitary waste from toilets, sinks, and washing machines enters the cesspool and percolates out the bottom.

What is a large-capacity cesspool?

EPA defines large-capacity cesspools as:

> Residential multiple-dwelling, community, or regional systems (e.g., townhouse complexes or apartment buildings) that dispose of sanitary waste, or
> Non-residential cesspools that have the capacity to serve 20 or more persons per day (e.g., rest areas or churches) if they receive solely sanitary waste. (40 CFR 144.3)

The definition of "large-capacity" may vary from state to state. For example, some states define large-capacity cesspools based on the amount of waste or the volume capacity of the cesspool. Check with your permitting authority for more information.

EPA does not regulate the cesspools of single family homes or those of non-residential facilities that serve fewer than 20 persons per day and dispose of solely sanitary waste. However, these smaller cesspools may be regulated by state and local governmental agencies (e.g., departments of health).

Cesspools of any size that receive waste other than sanitary waste (e.g., from commercial or industrial processes) are industrial wells and are subject to regulations.

- Learn more about the federal requirements specific to Class V wells
- Visit the regulations page to read more about the requirements for owners and operators of other well classes

Answer these questions to determine if you own or operate a large-capacity cesspool.

Questions:	**If your answer is yes:**	**If your answer is no:**
Residential Properties		
1. Do you own or operate a multiple-family home (duplex, townhouse complex, apartment building, or cluster development)?	Go to question 3.	Go to question 2.
Non-Residential Properties		
2. Does your building have bathroom facilities with the capacity to serve 20 persons per day?	Go to question 3.	You are not affected by the rule.***Stop here.***
3. Are your bathroom facilities connected to a municipal sewer?	You are not affected by the rule. ***Stop here.***	Go to question 4.

Questions:	If your answer is yes:	If your answer is no:
4. Do your bathroom facilities drain to a holding tank, and is the waste in the holding tank disposed of off-site?	You are not affected by the rule. ***Stop here.***	Go to question 5.
5. Do your bathroom facilities drain to a septic system (that is, a septic tank with a leach field) or package plant? (See note below)	You are not affected by the rule. Stop here.	You may be disposing your sanitary wastes into a large-capacity cesspool.

Note: If you are not sure where your wastewater goes, use dye or smoke tests to help locate the discharge points from your bathrooms and kitchens. Your local health department, a plumber, or licensed septic tank pumper may be able to help you determine where your sanitary waste goes.

What is not a large-capacity cesspool?

Onsite waste disposal systems that have a buried tank, an effluent (wastewater) distribution system, and a soil absorption area and receive solely sanitary waste are considered to be septic systems. Large-capacity septic systems are regulated by EPA. Visit the Large-Capacity Septic Systems page to find out if you have one and to learn how to meet the requirements for these systems.

Why has EPA banned large-capacity cesspools?

EPA has banned large-capacity cesspools because untreated sanitary waste from cesspools can enter ground water and contaminate drinking water sources. This is a concern for the following reasons.

- Cesspools are not designed to treat sanitary waste.
- Cesspool wastewaters often have higher levels of nitrates and coliform bacteria than are allowed in drinking water.
- The wastewater may contain other pollutants such as phosphates, chlorides, grease, viruses, and chemicals used to clean cesspools.
- Areas of the country that rely on cesspools are more likely to rely on ground water for their drinking water supplies. Contaminants from cesspools could flow into this ground water.

What are the requirements for closing large-capacity cesspools?

EPA banned new large-capacity cesspools on April 5, 2000. Since that date, no new large-capacity cesspools may be constructed.

A ban on existing large-capacity cesspools went into effect on April 5, 2005. If you have not yet closed your large-capacity cesspool, you must do so immediately. EPA's regulations require you to close your large-capacity cesspool in a way that ensures no contaminants could move from it to underground drinking water sources.

Contact your permitting authority to find out if there are any additional requirements you must meet. In closing your large-capacity cesspool, you must do the following.

- Write to your permitting authority at least 30 days before you close the large-capacity cesspool.
- Contact the authority and ask what information you must provide. You may be asked to:
  - Fill out a pre-closure notification form
  - Inventory form, or
  - Write a letter saying that you plan to close the cesspool.
- Permanently plug or otherwise close the cesspool in a way that is approved by the permitting authority and that ensures ground water is protected.
- Dispose of or manage any soil, gravel, sludge, liquids, or other materials removed from your cesspool or the area around your cesspool according to all federal, state and local requirements. Your permitting authority should have information about specific requirements in your state.

Review and download a copy of the pre-closure notification form.

What are my options after I close my cesspool?

Some disposal alternatives to large-capacity cesspools are shown below:

- **Sanitary sewer hookup** - Contact your local sewer authority about the possibility of connecting your home or building to the sewer system. Often, a sewer system hookup may be available even though it was not an option when your home or building was constructed. Because municipal wastes are treated and disposed of properly, sewer hookup is the best option for you and the environment. However, it may be an expensive option.
- **Holding tanks** - Store the sanitary waste in a holding tank, which is then periodically pumped out for proper disposal of the waste. You can reduce the amount of wastewater that has to be stored by conserving water (e.g., using low-flow shower heads and low-flow toilets).
- **Large-capacity septic systems** - Contact your permitting authority about the requirements for installing a large-capacity septic system (that is, a septic tank with one or more leach fields). Large-capacity septic systems provide some wastewater treatment. Note that large-capacity septic systems are regulated as Class V wells, and you must contact your permitting authority prior to constructing one.
- **Package plants** - Small wastewater treatment systems, known as package plants, are designed to treat limited sewage flow. These plants use prefabricated steel tanks and hold the wastewater for a longer time as part of the treatment process. You must get permission to build and run a package plant. Your permitting authority can refer you to the appropriate state or local agency. In addition, you may be required to remove certain contaminants from the waste before discharging the treated waste into the environment.

HAMPTONS SEPTIC SERVICES, INC.

36 Bunker Hill Rd.
PO Box 2401
Amagansett, NY 11930
631.267.7515
info@hamptonsseptic services.com

Planning Board
Planning Dept.

RECEIVED
OCT 26 2016
PLANNING BOARD

Donald G. McAulay
Seascape Partners
PO Box 1264
Watermill, NY 11976

Hamptons Septic Services, Inc.
PO Box 2401
Amagansett, NY 11930
S.C.C.A Permit No. 33972LW
NYS DEC Permit No. 1A-904

March 3, 2016

Dear Donald,

This letter serves to certify that the Septic System located at 240 Fort Pond Blvd in Montauk, NY has been inspected and found in good working condition.

The South side tank is precast with a 2,000 gallon capacity. The system by the East side of the building is also precast and approximately 8,000 gallons in total capacity.

If you have any additional questions please contact our offices and we will be able to assist you further.

Kind Regards,

Lauren E. Comber
Account Manager
Hamptons Septic Services, Inc.
PO Box 2401
Amagansett, NY 11930
O: 631-267-7515
F: 631-267-7580
E: info@hamptonssepticservices.com

EMIL NORSIC AND SON INC. SINCE 1932
Sanitation Services
PO Box 5047 Southampton, NY 11969 T. (631) 283-0604 F. (631) 283-6192

Tina K. Piette, Esq.
Post Office Box 697
Amagansett, NY 11930

Emil Norsic & Son, Inc.
NYS DEC Permit No. 1A-557
SCCA Permit No 033-LW

Re: 240 Fort Pond Road, Montauk

June 30, 2016

Dear Ms. Piette:

This letter serves to certify that Emil Norsic & Son, Inc. has inspected the septic system located at 240 Fort Pond Road in Montauk, New York. The East side has three 8' x 6' cesspools, each with 1,875 gallon capacities, which are connected to a 8' x 4' cesspool (1,250 gallon capacity) which has five overflow pools each with 1,250 gallon capacity attached to it. The total capacity on the East side of the building is approximately 13,125 gallons. The South Side has two 8' x 6' cesspools, each with 1,875 gallon capacities for a total of 3,750 gallons. Therefore, we approximately the total gallon both septic/cesspool systems can handle is approximately 16,875.00 gallons.

If you have any additional questions regarding this system please contact our office.

Sincerely,

Dawn Schlegel, Controller

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PLANNING BOARD

Date: 1/6/16
Office(s): WWM
Tracking #: F122793

APPLICATION FOR PUBLIC ACCESS TO RECORDS
Suffolk County Department of Health Services

INSTRUCTIONS TO APPLICANT: Please complete Section I of this form. Do not leave any areas blank. Mail or fax a completed application to the Freedom of Information Officer listed below.

SECTION I: To be completed by Applicant.

Date of Application: ____ Applicant Represents: Property Owner Representative
Applicant's Name (Please print): Joel Halsey
Applicant's Address: PO Box 5030, Montauk, NY 11954
Applicant's Phone #: 631 668 7332 Applicant's Email: Jhalsey.LLP@gmail.com
Applicant's Signature: [signature]

Describe the record sought and if in regard to a property include a **complete tax map number (District, Section, Block & Lot in the proper format)**. Supply all relevant information that will help locate the record desired: date(s), a file title, reference number, the physical address, and property type (commercial/residential/subdivision).

Any & All documents pertaining to wastewater allowable flow system at 300-16-2-38, 240 Fort Pond Road.

I HEREBY APPLY TO:

- o Inspect the following record
- X Receive a copy of the following document(s)

PROVIDE REQUEST TO:

Acting Freedom of Information Officer: Michelle Rosen
Agency Name: Suffolk County Department of Health Services
Address: 3500 Sunrise Highway, Suite 124
Post Office Box 9006
Great River, NY 11739-9006
Fax #: 631-854-0156

SECTION II - For use by Freedom of Information Officer (or designee) only

- o Approved. Call to arrange an appointment to inspect the requested record.
  Contact Person: ____ Phone #: ____
- o Records not possessed or maintained by this agency.
- ✓ Records cannot be found after diligent search.
- o Denied. Reason for denial: ____
- o Document(s) enclosed as requested. No Sanitary info. on file.
- o Receipt of this request is acknowledged. There will be a delay in supplying the requested record until payment of reproduction fee is received. The following fee applies $ ____
- ✓ Other: Food Review under F07-060 ENCLOSED

Signature: [signature] Title: Sr. Clerk Typist Date: 1-8-16

Section III - Notice to applicant

You have the right to appeal a denial of this application in writing to the Office of the County Attorney within 30 days of the denial. Information as to the person to contact is shown below. The contacted person must respond to you in writing within ten business days of receipt of your appeal.

Suffolk County Attorney
Lee Dennison Bldg., 6th floor
0 Veterans Memorial Highway
Hauppauge, NY 11788
Business Telephone: (631) 853-4049

F07-060

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