



# TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department  
JoAnne Pahwul  
Director

Telephone (631) 324-2178  
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February 19, 2020

**TO:** Planning Board

**FROM:** Eric Schantz  
Senior Planner 

**RE:** New Cingular Wireless (aka AT & T) @ St. Peter's Chapel Personal  
Wireless Service Facility (PWSF) – Site Plan/Special Permit  
SCTM# 300-103-6-23  
465 Old Stone Highway, Springs

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**Last Review Date:** July 25, 2019

**Items and Date Received:** N/A

**Background Information:** Application has been made to construct a new Personal Wireless Service Facility (PWSF) consisting of nine (9) antennas, eighteen (18) remote radio heads and associated equipment. Also proposed is a GPS unit and 15 kW emergency generator with all equipment to be situated within a new 50' tall campanile structure.

The parcel is zoned B: Residence and is situated on Old Stone Highway in Springs. It contains a chapel building which pre-dates the adoption of zoning. The property is entirely bordered by residential zoning and uses. The parcel to the immediate south and east is also owned by the owner of the subject parcel.

The principal building is St. Peter's Chapel which dates back to 1881. This structure certainly meets the common definition of "historic" and was listed in the first draft of the Town's Historic Landmarks inventory prepared by Robert J. Hefner in August 2005, which was never formally adopted by the Town Board. However, it should be noted that it is not within the Spring's Historic District and was not identified in the exhaustive review of properties for potential historic preservation prepared in 1990 (The Town of East Hampton Historic Preservation Report (also) prepared by Robert J. Hefner). It is not on the National register of Historic Places or the recommendation list.

**Issues for Discussion:**

**Zoning board of Appeals (ZBA)**

By resolution dated February 4, 2020 the ZBA has granted the necessary relief (see attached).

**Application Status**

It appears that the application is otherwise complete. At the time of the last review, the Planning Board stated that they wanted to see alternative proposals, locations on-site and designs that could accommodate other carriers (see attached post-meeting memorandum). However, the submission requirements for site plan/special permit applications for personal wireless service facilities, as outlined in the Town Code, have been met for the project, as it is currently proposed.

**Conclusion**

In conclusion, the application appears otherwise complete and the Board should discuss whether or not any additional information is required at this time. Provided the Board deems application complete the Planning Department will prepare an EAF Parts II & III and the application will then be ready to be scheduled for a public hearing.

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**Planning Board Consensus**

*Is the application complete and ready to be scheduled for a public hearing?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

**Additional Board Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

July 25, 2019

Kimberly R. Nason, Esq.  
Phillips Lytle, LLP  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887

Re: New Cingular Wireless at St. Peter's Chapel Site Plan/PWSF  
SCTM #300-103-6-23

Dear Ms. Nason:

The East Hampton Town Planning Board reviewed your application at its July 24, 2019 meeting.

Attached is a copy of the planning department's review of the information submitted for your application. The planning board had the following additional comments:

- The board would like to see alternative proposals.
- The applicant should consider other locations.
- The applicant should consider a proposal that can accommodate additional carriers.
- The board agreed to send comments to the Zoning Board of Appeals stating that the board did not reach a consensus and the ZBA should use their own standards.

Please address the issues outlined in the planning department memo as modified by the planning board. If you have any questions or concerns, please contact the planning board committee member for your project, Randall T. Parsons, or contact the planner assigned to the project.

Please respond within three (3) months of the date of this letter with the required information or with a written reason why the required information cannot be submitted within that timeframe. If we have not received a response by October 22, 2019, your application will be considered to be withdrawn and a new application will need to be filed before review of your project can proceed.

Sincerely,

Samuel Kramer  
Chairman

SK/jtw

Enc.

cc: Planning Department

ZONING BOARD OF APPEALS  
TOWN OF EAST HAMPTON

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In the Matter of the Application

of

NEW CINGULAR WIRELESS  
SCTM #s 300-135-2-15.2  
300-135-2-19  
300-135-2-34.2

HEARING DATE: January 21, 2020

PRESENT: JOHN P. WHELAN, *Chairperson*  
ROY DALENE, *Vice-Chairman*  
TIM BRENNEMAN, *Member*  
THERESA BERGER, *Member*  
JOAN MORGAN MCGIVERN, *Member*

ALSO PRESENT: NANCYLYNN THIELE, ESQ., Counsel to the Board  
BRITTANY MAC VITTIE, Acting Secretary  
ERIC SCHANTZ, Planning Department  
ANNA MERCADO-CLARK, Applicant's Attorney  
ANDREW J. CAMPANELLI, Attorney for residents of 201 Bull Path  
DAVID KIRST, Attorney for resident of 203 Bull Path  
MARK CLEJAN, 215 Bull Path  
ANTHONY LEICHTER, 201 Bull Path  
PAMELA LEICHTER, 201 Bull Path  
FARRELL FLEMING, 226 Bull Path

**FINDINGS OF FACT AND DETERMINATION OF THE BOARD**

The findings of fact and determination made herein are based upon the application, the evidence received at the public hearing before the Board, all documents contained in the Board's files and which were received prior to the close of the hearing, and the inspection and field report made by Member Brenneman of this Board.

**A. PROJECT DESCRIPTION**

1. **PURPOSE OF APPLICATION:**

To construct a Personal Wireless Service Facility consisting of a 185' tall monopole with twelve (12) panel antennas at a centerline height of 155' along with fifteen (15) remote radio heads and associated equipment, and a diesel generator and equipment shelter on a 264 sq. ft. concrete slab within a 2,500 sq. ft. fenced-in equipment area, along with a gravel access road from Old Northwest Road.

2. **RELIEF OR APPROVAL SOUGHT:**

Three (3) variances of 23', 26' and 40' from Section 255-5-50 of the Town Code for a 185' high monopole located 347', 344' and 330' from habitable structure and/or outdoor area where people congregate, where the minimum fall zone of two times the height of the personal wireless service facility or its mount is 370', along with any other relief that may be necessary.

**B. PROPERTY SIZE & LOCATION**

1. LOT SIZE: 708,721 sq. ft. (total)
2. STREET LOCATION: 250 Bull Path, 12 Old Northwest Road, 18 Old Northwest Road
3. CONTIGUOUS WATER BODIES: N/A
4. HAMLET OR GEOGRAPHIC AREA: East Hampton

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5. FILED MAP NAME: Montauk Heights Section B
6. FILED MAP NUMBER: 351
7. DATE OF MAP FILING: June 19, 1911
8. BLOCK NUMBER IN FILED MAP: B, M, N, O, P, Q
9. LOT NUMBER IN FILED MAP: B: 1-50, M: 1-24, N: 1-24, O: 1-24, P: 1-13, Q: 1-21
10. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-135-2-15.2, 19 & 34.2

**C. ZONING INFORMATION**

1. ZONING DISTRICT: A2 and A3 Residential
2. ZONING OVERLAY DISTRICT: Water Recharge

**D. SEORA DETERMINATION**

1. SEORA CLASSIFICATION: Unlisted Action
2. LEAD AGENCY: Uncoordinated
3. DETERMINATION OF SIGNIFICANCE: Negative Declaration
4. DATE OF DETERMINATION: January 21, 2020

**E. FINDINGS OF FACT**

1. The parcels before the Board are located between Old Northwest Road and Bull Path in the northwest area of East Hampton, and are owned by the Town of East Hampton. Although the parcels are zoned A2 and A3 Residence, they were utilized as a brush dump from roughly 1973 to 1982, and as a general dump prior to that. In December of 2017, an area of the parcel along Old Northway Road was issued a site plan to construct a 3,800 sq. ft. fire sub-station with parking and accessory structures. It is this location of the station's parking lot from which the greatest variance 40' is requested.
2. The Town of East Hampton has entered into an agreement with New Cingular Wireless allowing, if approved, the construction of a Personal Wireless Facility at the site. The applicant's purpose in locating a monopole for its use at this site is a service gap, and requires a 155' monopole to site their equipment. The Town of East Hampton is interested in co-locating Police Department emergency services equipment on the monopole, necessitating the monopole to be 185', and the need for the variances.

**F. STANDARDS FOR BOARD REVIEW OF AN AREA VARIANCE**

1. Pursuant to Town Law § 267-b(3)(b), in making its determination whether to grant an area variance, the Board is to "take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." The Town Law § 267-b(3)(c) directs the Board, in granting area variances, to "grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."
2. Pursuant to Town Law § 267-b(3)(b) the Board shall consider "(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of an area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance."
3. The standards set forth in Town Code § 255-8-50 (D)(1) paraphrase the requirements language of Town Law § 267-b 3(b) and (c).
4. The Board finds that the benefit to applicant from grant of the requested variance outweighs any detriment which grant of such variance will cause to the general health,

safety, and welfare of the neighborhood or the Town as a whole and that the variance granted is the minimum variance necessary and adequate to alleviate the applicant's difficulty while preserving the character of the neighborhood and protecting the health, safety and welfare of the Town as a whole.

**G. FACTORS TO CONSIDER FOR AN AREA VARIANCE**

1. The Board finds that granting the requested variance will not cause an undesirable change to the character of the neighborhood or create a detriment to nearby properties. The Board finds that the physical appearance of the structure of a 185' monopole verses a 160' monopole allowable without a variance, is indistinguishable. Although neighbors voiced concern of the potential detriment to nearby properties of a monopole to their property values, the previous use of the property as a dump was found to be as much, if not more of a property value concern.
2. The Board finds that the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than the requested area variance. The Board finds the location on the parcel of the monopole to be the appropriate location to mitigate any potential harm.
3. The Board finds that the requested variance is the minimum variance necessary and adequate to alleviate the difficulty causing applicant to request an area variance. The Board specifically finds that the variances amounted to only a 6%, 7% and 11% variance from the Town Code.
4. The Board finds that granting the requested variance will have little adverse effect or impact on the physical or environmental conditions in the neighborhood. The Board rejects the neighbors' argument to apply a different standard of calculating the minimum fall zone of two times the height of the personal wireless service facility than on a horizontal plane, and finds little likelihood of harm from falling debris 330' to 347' from the base of the monopole.
5. The Board finds that the need for the variance is not self-created. The Board finds the applicant only requires the variances to accommodate the Town's interest in improving emergency service communication, which has a significant public benefit.
6. The Board finds that the benefit to the applicant, and to the Town as a whole, from grant of the requested variances outweighs any detriment which grant of the variance will cause to the general health, safety and welfare of the neighborhood and the Town as a whole.

**H. DISPOSITION OF APPLICATION**

For the reasons set forth herein, the Board makes the following determination with respect to the application:

1. **RELIEF OR APPROVAL GRANTED:**

Three (3) variances of 23', 26' and 40' from Section 255-5-50 of the Town Code for a 185' high monopole located 347', 344' and 330' from habitable structure and/or outdoor area where people congregate, where the minimum fall zone of two times the height of the personal wireless service facility or its mount is 370', along with any other relief that may be necessary.

2. **DESCRIPTION OF WORK APPROVED:**

Construction of a Personal Wireless Service Facility consisting of a 185' tall monopole with twelve (12) panel antennas at a centerline height of 155' along with fifteen (15) remote radio heads and associated equipment, and a diesel generator and equipment shelter on a 264 sq. ft. concrete slab within a 2,500 sq. ft. fenced-in equipment area, along with a gravel access road from Old Northwest Road.

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**I. CONDITIONS OF APPROVAL**

Grant of the specified variances is specifically conditioned upon compliance with the conditions set forth in this section of the determination. All improvements shall be made, built, or installed in accordance with the survey and plans described below.

1. **APPROVED SURVEY:** Ferrantello Land Surveying P.C. (9 pages) last revised January 3, 2020, and stamped received by the Board (as part of Exhibit A "Revised Site Plans" of January 6, 2020 submission) on January 8, 2020.

**ALL CONCUR:**

JOHN P. WHELAN, *Chairperson*  
ROY DALENE, *Vice-Chairman*  
THERESA BERGER, *Member*  
JOAN MORGAN MCGIVERN, *Member*  
TIM BRENNEMAN, *Member*

Dated: February 4, 2020

cc: Building Department  
Planning Department  
Phillips Lytle LLP, Applicant's Attorney