



TOWN OF EAST HAMPTON

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April 28, 2020

TO: Planning Board

FROM: Eric Schantz
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RE: Startup Ranch, Section II – Modification
SCTM# 300-13-2-39.57
107 Startup Drive South, Montauk

Last Review Date: April 3, 2019

Items and Date Received: Applicant submission cover letter re: Request to Modify One (1) original and nine (9) copies of the application dated January 10, 2019; Ten (10) sealed prints of a revised site plan/survey by Saskas Surveying Company, P.C. dated January 11, 2019; Ten (10) copies of a Narrative Addendum in support of this application.

Background Information: The applicants are requesting a modification of the conditions of approval of the Startup Ranch Section II Final Subdivision in order to allow Lot 3 (SCTM#300-13-2-39.57) to take access over an individual driveway. The subdivision approval required that the subject parcel and Lot 2 (SCTM#300-13-2-39.56) share a common driveway as illustrated on the approved subdivision map as a sole access point.

The subject parcel and its neighboring lots to the west, north and east were all part of the Startup Ranch, Section II Subdivision. All four lots are zoned A5: Residence. The subject lot contains two agricultural structures (labeled as “barn” or “stable” on various plans). The lot to the immediate west is an agricultural reserved area. The lot to the east contains a single-family residence and associated accessory structures all constructed within the last 3 years. The lot to the north contains a single-family residence under construction and various agricultural buildings.

The subject parcel along with most of the surrounding area was historically cleared and is identified as 100% cleared of naturally-occurring vegetation, although a small patch of shrubs exists on the subject parcel. It contains expansive areas of steep slopes and there are extensive freshwater wetland systems to the south and east which are fed directly by

the Startop highlands. This area is within the Montauk Point subunit of the Scenic Areas of Statewide Significance.



Oblique aerial from Spring 2018 with Lot 3 (the subject parcel) to the left and Lot 2 to the right

Issues for Discussion:

Application Status

At the time of the initial review, the Planning Board basically tabled its discussion as a narrative outlining the proposed project was not provided. This information has been submitted. The following paragraphs are taken mostly verbatim from the Planning Department's previous memo:

Access

The common driveway was required as a condition of final subdivision approval. It is situated in an area of the subdivision which is relatively flat and is basically the only such area on either Lot 2 or Lot 3 (Lot 1 to the north was to take access via an existing individual driveway). The proposed individual driveway for Lot 3 is situated in the area of the steepest slopes on this property and would almost certainly require substantial retaining walls or other improvements to be stabilized. It contains a patch of vegetation that would need to be partially removed.

Numerous of sections of the Town Code are written with the intention of protecting the Town's natural topography, for drainage reasons, as slopes direct water into existing wetlands and water recharge areas, and to preserve rural character. § 220-1.05 (General Subdivision Polices and Requirements) provides that natural topography shall be protected by any means the Planning Board deems necessary. §220-1.10 B. (Roads and Common Driveways) requires that all common driveways be suitably located related to natural topography and that the Planning Board design and lay out roads and common driveways in such a manner as to enhance the rural and aesthetic qualities of the community.

In order to reduce the severity of the slope of the driveway, the alternative driveway proposed on Lot 3 is proposed to run from an elevation of 60' to 35' by cutting sideways across and disturbing a steep slope for a distance of approximately 240'.

The survey also indicates a steep angle of approach from Startop Drive South which could make turning movements difficult, although it is noted this is presumably one of the least-traveled roads in Montauk. At this time, it does not seem why the addition of an individual driveway would be in the interests of good planning and it appears the opposite would be true.

Change of Circumstances

Whenever the Planning Board is to vote to amend a previous subdivision approval, a legitimate change of circumstances must first be found. Additionally, the declaration of covenants and restrictions would have to be amended.

The submitted narrative addendum cites a study indicating an increase in heavy rain events between 1958 and 2013 and indicates that the steep topography at the site makes the existing common driveway in danger of becoming damaged by them. The Board should discuss with Counsel and the applicants whether or not there is a legitimate substantive change of circumstances in the subject request.

Freshwater Wetlands

The subject parcel, the remaining lots of the subdivision, and the neighboring subdivisions (including Startop Ranch, Section I) are all situated on highlands which direct storm water run-off to an expansive system of freshwater wetlands. The subject parcel is no exception and it appears the southern property line may be within 150' of adjacent freshwater wetlands. These wetlands were last flagged in December 2015 as part of a lot inspection request for the lot to the east (Lot 2). The Planning Department accordingly did not flag the wetland boundary along the entirety of the subject parcel's southern boundary. An updated lot inspection should be requested and the map should be amended accordingly. It appears that the new driveway would require a Natural Resources Special Permit (NRSP). Depending upon the proposed driveway materials and run-off potential, storm water control may be required.

Improvements on Lot 2

A building permit and certificate of occupancy were recently granted for a single-family residence, swimming pool and other accessory structures on Lot 2. This lot, as with Lot 3 (the subject parcel) were to take sole access from the common driveway. The common driveway was to be approved and inspected prior to the issuance of a building permit on either lot. The survey attached to the most recent certificate of occupancy, the aerial photographs and a site inspection clearly illustrate that Lot 2 has added an individual driveway and that the common driveway was never completed as per the subdivision approval. Permits for Lot 2 may have been issued in error. Further, it appears that the new individual driveway on Lot 2 is within Natural Resources Special Permit (NRSP) jurisdiction of nearby freshwater wetlands, as they were flagged in 2015.

Survey Notations

The submitted survey notes an area where vegetation height is limited and an area where buildings and structures are prohibited. These areas were not illustrated on the approved subdivision map and are suspected to be the result of easements and rights previously held by the Peconic Land Trust. The applicants should clarify the origin of these restrictions.

Conclusion

In conclusion, the Board should determine whether or not a change of circumstances is present. Regardless, the Planning Department does not see any reason at this time why the addition of an individual driveway in an area of steep slopes which also appears to be within Natural Resources Special Permit (NRSP) jurisdiction would be an improvement over the adopted subdivision design.

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Planning Board Consensus:

Is there a legitimate change of circumstances present?

Comments:

Is the addition of an individual driveway for Lot 3 acceptable?

Comments:

Should a lot inspection/wetland flagging be submitted and the wetland boundary illustrated on an updated survey?

Comments:

Additional Board Comments:
