



TOWN OF EAST HAMPTON

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Planning Department
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SUBDIVISION INITIAL EVALUATION 90 & 92 Cross Highway Lot Line Modification SCTM#300-170-3-31.1, #300-170-3-31.2 #A0520200016

Prepared by: Fabiha A. Mubassirah

Date: May 28, 2020

1. APPLICATION INFORMATION:

A. INFORMATION RECEIVED:

- Lot Line Modification (“LLM”) application
- Survey Map prepared by Barret Bonacci & Van Weele, PC dated February 2, 2020

B. DATE SUBMITTED: May 9, 2020

C. OWNER: Cynthia DePaula & Enid G. Roth, LLC

D. APPLICANT/AGENT: Tina K. Piette, Esq.

E. SCHOOL DISTRICT: Amagansett

F. STREET NAME: Cross Highway and Skimhampton Road

G. TYPE OF STREET: Town

H. ZONING DISTRICT: “A” Residence

I. SEQRA - TYPE OF ACTION: Type II

J. INVOLVED AGENCIES: N/A

K. OTHER REVIEW: Suffolk County Health Department

L. WAS PROPERTY PREVIOUSLY SUBDIVIDED: Yes

M. IF YES, DATE OF SUBDIVISION: 10/10/1973

2. DESCRIPTION OF PROJECT

A. TYPE OF SUBDIVISION PROPOSED: Lot Line Modification

B. TOTAL ACREAGE: 1.71 acre

C. YIELD (NUMBER OF LOTS): Two (2)

D. RANGE OF LOT SIZE (SQUARE FEET): 45,659 sq. ft. and 27,910 sq. ft.

E. ACRES OF RESERVED AREA: N/A

F. ACRES OF SCENIC EASEMENT: Not proposed

- G. **PERCENT OF RESERVED AREA:** N/A
- H. **PERCENT OF TOTAL OPEN SPACE:** N/A
- I. **TYPE OF ACCESS PROVIDED:** Individual driveways
- J. **LENGTH OF ACCESS:** 30' access easement for 10' gravel driveway from Cross Highway
- K. **IS SIGHT DISTANCE ACCEPTABLE:** to be determined
- L. **IMPROVEMENTS ON SUBJECT PARCEL:** one (1) single family two (2) storied residence, two wood decks, pool and storage shed on Lot 31.1; one (1) dilapidated one (1) storied structure on Lot 31.2.
- M. **MOST RECENT CERTIFICATE OF OCCUPANCY:**
 Lot 31.1: (SCTM #300-170-3-31.1)
 6/10/75 – C.O. 87 (9869) – Enid Roth – 1702 sq. ft. @1st floor, 678 sq. ft. @2nd floor of two story, 1- family residence having 1 kitchen only & 437 sq. ft. wood deck.
 7/16/75 – C.O. 136 (10437) Enid Roth – 800 sq. ft. Vinyl SW. Pool W. dry well & appropriate fencing, 1360 sq. ft. wood deck & 40 sq. ft. storage shed.
 9/21/07- C.O. 24136- Enid Roth- Void.
 Lot 31.2: (SCTM #300-170-3-31.2) – No C.O.
- N. **VARIANCES REQUIRED:** Lot area variance

3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 220 (LIST ITEMS & SECTION NUMBER FOR ITEMS NOT SUBMITTED)

- Lot area variance
- Map revisions-
 - Sanitary waste disposal system needs to be identified
 - Flood insurance zone identification and base flood elevation
- A revegetation plan needs to be submitted for adjusted proposed clearing

4. SITE ANALYSIS

- A. **SOIL TYPE:** Plymouth loamy sand, silty substratum, 0 to 3 percent slopes (PsA), Plymouth loamy sand, silty substratum, 3 to 8 percent slopes (PsB), Carver and Plymouth sands, 15 to 35 percent slopes (CpC).
- B. **FLOOD HAZARD ZONE:** X
- C. **DESCRIPTION OF VEGETATION:** Partially cleared
- D. **RANGE OF ELEVATIONS:** (~21-32)
- E. **NATURE OF SLOPES:** Gently sloping, mostly going from south east (~21') towards the north west corner (~30') of the property
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** N/A
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** N/A (All structures ~300' away)
- H. **ARE THERE TRAILS ON SITE?** No
- I. **DEPTH TO WATER TABLE:** Not identified
- J. **DISTANCE TO PUBLIC WATER:** 6" Water Mains on Cross Highway, 16" Water Mains on Skimhampton Road
- K. **SOURCE OF WATER SUPPLY:** Public water

- L. **NUMBER OF ACCESS POINTS:** Two
- M. **METHOD OF WASTE DISPOSAL:** Not identified
- N. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- O. **AGRICULTURAL DATA STATEMENT REQUIRED:** No
- P. **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 |
| Recommended Scenic Area of Statewide Significance | No |
| Suffolk County designated Pine Barrens | No |
| South Fork Special Groundwater Protection Area | No |
| Town Overlay District | No |



2018 Aerial Photograph from Town's GIS

Other Background Information:

The application is to propose a lot line modification (LLM) of two (2) lots- 90 Cross Highway (SCTM #300-170-3-31.1) and 92 Cross Highway (SCTM #300-170-3-31.2) in Amagansett. The subject property is zoned A Residence. The existing area of the subject parcels are 38,874 square feet for 90 Cross Highway and 27,910 square feet for 92 Cross Highway. The applicant is proposing to transfer an area of 6,785 square feet from Lot 31.2 to Lot 31.1, resulting in 45,659 square feet for proposed Lot 31.1 and 27,910 square feet for proposed Lot 31.2.

The current owner of the property is Ms. Cynthia DePaula who is the named Executor of the Estate of Enid G. Roth. Ms. DePaula is in the process of donating a portion of 92 Cross Highway (proposed 31.2) to the Town of East Hampton under the Town's Community Preservation Fund (CPF) program according to Ms. Roth's wishes which is subject to this LLM.

The Town's record indicate a Subdivision Waiver was approved by the Planning Board in October 10, 1973 subject to this property named "Enid Roth", that subdivided the 73,000 square feet (approx.) property into the current two parcels. Variances were sought from Zoning Board of Appeals (ZBA) on July 5, 1973 to divide the parcel into two lots, containing less than the required area for both lots. There had been a pre-existing residence on 92 Cross Highway (proposed Lot 31.2) that is being proposed to be removed in the LLM survey map. Lot 31.1 contains a two-story single family residence with 1702 square feet on 1st floor and 678 square feet on 2nd floor, 437 square feet wood deck, 800 square feet pool, 1360 square feet wood deck and 40 square feet storage shed.

Issues for Discussion:**Lot Area**

The existing lots are non-conforming with regard to the minimum allowable lot area of 40,000 square feet in an A Residence zoning district. As proposed, the lot line modification would make the proposed Lot 31.1 conforming by increasing lot area by 6,785 square feet from 38,874 square feet to 45,659 square feet. On the other hand, the lot area for the proposed Lot 31.2 would reduce from 34,695 square feet to 27,910 square feet, making it even less conforming to the minimum lot area requirement which will necessitate a lot area variance from the ZBA. Under the Town Code, the area of the access easement is required to be subtracted from lot area. The lot area calculations should be revised to indicate that the calculations reflect this.

In addition, total lot coverage for both lots would decrease and will be below their respective maximum lot coverages. With removal of structures and improvements in Lot 31.2, there would be 0% coverage on the parcel and therefore subject to be used as Town's open space.

Irregular Lot Shape

§220-1.06 B (Subdivision Requirements of the Town Code) states that

Lots shall, in general, be rectangular, somewhat deeper than they are wide. All lots shall conform to zoning requirements, and the lot lines generally be at right angles to the street line.

A rectangular shaped lot is further encouraged by the Town Code in §220-1.09, Configuration of Lot Lines.

This is a pre-existing irregular shaped parcel and the proposed modification would result in more irregular shaped lots. It has been the Planning Board's practice not to create irregularly shaped lots. The Board should discuss alternative layouts with the applicants, most notably a rectangular shaped design, adjusting the dividing lot line to create a straighter line.

Donation of Lot 31.2

The former owner of the property Ms. Enid G. Roth (decedent) indicated that the proposed Lot 31.2 (part of current 92 Cross Highway) be donated to the Town for Open Space. The parcel consists of a dilapidated structure and the reason it is being donated to the Community Preservation Fund (CPF) program is because demolition and restoration would be appropriate expenses for the fund. This way the Town does not need to expend general fund dollars, quoted by Scott. H. Wilson, Director of Land Acquisition & Management from Town of East Hampton. He further informed that they will accept the donation post approval of the lot line modification submitted to the Planning Board. Moreover, in order to guarantee the donation to the Town and not otherwise sold after the approval, Mr. Wilson stated that the Town will get an executed donation agreement and Board resolution in advance of final approval of the lot line modification.

Access Easement

Currently, there are two separate gravel driveways, both on Lot 31.2 giving access to both parcels from Cross Highway. A 30' wide easement has been proposed on the northerly portion of Lot 31.2 for the access to Lot 31.1. It should be noted that the Town may not be willing to have an access easement for a private property on Town's Open Space after the donation. The existing ~10' wide driveway could be located in a flag strip to avoid having a 30' wide easement across future Town's property.

Clearing

The survey map shows clearing calculations for both existing and proposed lots subject to this LLM. Both of the proposed lots will comply with the Town's clearing regulations. Proposed clearing calculations show 0 square feet cleared area for Lot 31.2, proposed to be decreased from 6,883 square feet of current clearing. A revegetation plan needs to be submitted to address the increased vegetation/reduced clearing on this lot.

Suffolk County Department of Health Services (SCDHS)

The proposed lot line modification will require approval from the Suffolk County Department of Health Services. The applicants are encouraged to submit an application to this agency as soon as possible if they have not done so.

SEQRA

The project is an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code. It is recommended that the Planning Board request lead agency status for the project.

Map Revisions

The existing septic system for the residence should be indicated on the map to ensure that the location is not impacted by the proposed lot line modification. Flood insurance zone needs to be identified on the survey map.

Conclusion

The proposed lot line modification will result in making Lot 31.1 conforming in regards to lot area, but making Lot 31.2 even less conforming. Thus, the application requires lot area variance. The Planning Board will not be able to act until and unless the Zoning Board of Appeals grants the variance. A straighter lot line is recommended for the lot line modification to achieve relatively regular shaped lots and a flag strip as access to 31.1 as opposed to an access easement across future Town property. A revegetation plan should be submitted to address the reduction in clearing indicated for Lot 31.2. The Map should be revised as discussed in the aforementioned issues. Comments from the East Hampton Fire Department will be required before deeming the application complete.

Planning Board Consensus

The Planning Board should discuss the proposed modification of the lot line and discuss with the applicant whether the layout should be redesigned to provide more regular shaped lots.

Additional comments: _____

The Planning Board should discuss whether having an access easement for a private property on Town’s Open Space/property would be their best interest and whether a flag strip should be provided along the existing driveway on Lot 31.2 to avoid a 30’ wide easement.

Additional comments: _____

The Planning Board should determine whether the map should be revised to indicate the sanitary waste disposal system and a revegetation plan for the removal of structures and improvements on Lot 31.2.

Additional comments: _____

Additional Board Comments:



1" = 72.26 feet



THE TOWN OF EAST HAMPTON

90 & 92 CROSS HIGHWAY LOT LINE MODIFICATION

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

Date Prepared: <Month day, Year>



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