



TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department
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Director

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SUBDIVISION INITIAL EVALUATION Lot Line Modification of JAM Associates & NW Properties SCTM#300-123-003-9.2 & 10.1

Prepared by: Marco Wu *MW* *JP*
Planner

Date: January 28, 2021

1. APPLICATION INFORMATION:

A. INFORMATION RECEIVED: Applicant submission;

- Cover letter re: Ten (10) copies (One (1) original and (9) nine copies) of the completed Planning Board Application for Subdivision of Land/ Lot Line Modification executed by both David Kirst, on behalf of Jam Associates and Richard Sperber, on behalf of NW Properties;
- Ten (10) copies of a Narrative Addendum to the Lot Line Modification Application;
- Ten (10) original copies of a survey prepared by Saskas Surveying Company P.C., dated last revised December 22, 2020;

B. DATE SUBMITTED: January 15, 2021

C. OWNER: NW Properties, Inc. (68 Muir Blvd); JAM Associates (80 Old Fireplace Road)

D. APPLICANT/AGENT: Richard E. Whalen

E. SCHOOL DISTRICT: East Hampton

F. STREET NAME: 80 Old Fireplace Road, and 68 Muir Blvd, East Hampton

G. TYPE OF STREET: Town

H. ZONING DISTRICT: CI: Commercial Industrial

I. SEQRA - TYPE OF ACTION: Type II

J. INVOLVED AGENCIES: N/A

K. OTHER REVIEW: Suffolk County Department of Health Services

L. WAS PROPERTY PREVIOUSLY SUBDIVIDED: Yes

M. IF YES, DATE OF SUBDIVISION: Old Filed map subdivision Olympic Heights Extension (Map No. 218) filed July 22, 1913)

2. DESCRIPTION OF PROJECT

- A. **TYPE OF SUBDIVISION PROPOSED:** Lot Line Modification
- B. **TOTAL ACREAGE:** 80 Old Fireplace Road, (1.0042 acres to 0.9170 acres) and 68 Muir Blvd (0.5853 acres to 0.6725 acres);total 1.5895 acres
- C. **YIELD (NUMBER OF LOTS):** 2
- D. **RANGE OF LOT SIZE (SQUARE FEET):** 0.5853 – 1.0042 acres
- E. **ACRES OF RESERVED AREA:** N/A
- F. **ACRES OF SCENIC EASEMENT:** N/A
- G. **PERCENT OF RESERVED AREA:** N/A
- H. **PERCENT OF TOTAL OPEN SPACE:** N/A
- I. **TYPE OF ACCESS PROVIDED:** 2 Driveways
- J. **LENGTH OF ACCESS:** N/A Both lots have frontage
- K. **IS SIGHT DISTANCE ACCEPTABLE:** No change
- L. **IMPROVEMENTS ON SUBJECT PARCEL:**
 - Lot 1 – (SCTM#300-123-003-9.2) 80 Old Fireplace Road, subtracts 3,740 sq. ft. (0.0858 acres) for a total size of 40,003 sq. ft. (0.9183 acres)
 - Lot 2 – (SCTM#300-123-003-10.1) 68 Muir Blvd, adds 3,740 sq. ft. (0.0858 acres) for a total size of 29,234 sq. ft. (0.6711 acres)
- M. **MOST RECENT CERTIFICATE OF OCCUPANCY:**
 - Lot 1 – (SCTM#300-123-003-9.2) 80 Old Fireplace Road, B.P. 53155 - JAM ASSOCIATES - 3150 SQ. FT. 1-STORY, METAL, GROUP "S" SERVICE COMMERCIAL BLDG., HOUSING 2 USES SUBJECT TO PL. BD. DECISION DATED 12/6/06, 7/26/07, FIRE MARSHAL MEMO DATED 1/29/08, ARB DECISION DATED 8/19/05. PROJECT FENCE MUST BE INSTALLED PRIOR TO START OF CONSTRUCTION. (C.O. FEE PAID). (INSPECTION DAY: MONDAY), No CO.
 - Lot 2 – (SCTM#300-123-003-10.1) 68 Muir Blvd 11/25/19- PL BD SPERBER OLD FIREPLACE ROAD SITE PLAN - ADOPTED 11/20/19 - ONE STORY METAL BUILDING INCLUDING OFFICE SPACE, PARTIAL BASEMENT FOR STORAGE AND MECHANICAL.PPM, No CO.
- N. **VARIANCES REQUIRED:** N/A

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

See issues for discussion

4. SITE ANALYSIS

- A. **SOIL TYPE:** CpC – Carver and Plymouth Sans, MnC – Montauk loamy sand
- B. **FLOOD HAZARD ZONE:** Zone X
- C. **DESCRIPTION OF VEGETATION:** Lot 1 – Partially Cleared, a third of which is native trees and vegetation located in the rear western portion. Lot 2 – Partially Cleared, trees located along the street side.
- D. **RANGE OF ELEVATIONS:** 85' – 120'

- E. **NATURE OF SLOPES:** West to East rising slope
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Freshwater Wetland
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** Over 150'
- H. **ARE THERE TRAILS ON SITE?** N/A
- I. **DEPTH TO WATER TABLE:** 55'
- J. **DISTANCE TO PUBLIC WATER:** 170' – 260'
- K. **SOURCE OF WATER SUPPLY:** Public Water
- L. **NUMBER OF ACCESS POINTS:** Both lots one access point
- M. **METHOD OF WASTE DISPOSAL:** Not Provided
- N. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** N/A
- O. **AGRICULTURAL DATA STATEMENT REQUIRED:** N/A
- 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	Yes
South Fork Special Groundwater Protection Area	Yes
Town Overlay District	No

Other Background Information:

Application has been made to modify the lot lines of 80 Old Fireplace Road and 68 Muir Boulevard, represented on the survey as Lots 1 and 2 respectively, to transfer a strip of land of approximately 3,740 sq. ft. from 80 Old Fireplace Road to 68 Muir Boulevard. Both lots are zoned CI: Commercial Industrial, are partially cleared with improved structures, and located within the Pine Barrens Region. A site plan/special permit for 80 Old Fireplace Road was approved in 2006 however a valid C.O. has not been issued at the time of review. A site plan/special permit for 68 Muir Boulevard named Sperber Old Fireplace Road Site Plan/Special Permit was reviewed and approved by the Planning Board in 2019.

Issues for Discussion:

Site Plan

The survey appears to depict a stone driveway in the area to be transferred that is not part of the approved site plan for 68 Muir Boulevard. It appears this transferred area will be intended to be utilized by the applicant for their commercial business. If the additional lot area is to be integrated into the lot, the site plan should be modified to reflect as such. The applicant's narrative has indicated that the previously approved site plan will be modified to construct a building of a slightly different size and shape should the modifications be made to the lot lines.

Lot Area

The minimum lot area requirement for lots zoned CI: Commercial Industrial is 40,000 sq. ft. Lot 1, 80 Old Fireplace Road is currently 43,743 sq. ft. and will be reducing its size to 40,003 sq. ft.

which maintains the minimum lot area requirement. Lot 2 is nonconforming to lot size area at 25,494 sq. ft. and the additional sq. footage will increase the lot to 29,234 sq. ft. increasing its overall conformity.

Setbacks & Coverage

The new lot lines do not impact any setback requirements. The applicant has provided coverage calculations on their proposed survey that demonstrates that the proposed parcels will be conforming to building coverage and total lot coverage.

Office of Fire Prevention

The Planning Department has not received comments from the Fire Marshalls regarding if additional firefighting protections are required at the time of review.

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 a Type II Action pursuant to SEQRA and Chapter 128 of the Town Code. No further review under SEQRA is required.

Title of Plans

All plans submitted for this application, including but not limited to subdivision maps, road and drainage plans, and landscaping plans, must be labeled with the title of the subdivision. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

Conclusion

In conclusion, it appears that the application will reshape the lots to be more conforming and be more in line with the neighborhood. However, the previously approved site plan for 68 Muir Boulevard will not accurately reflect the property lines should the modification is to be approved and should be discussed by the Planning Board.

Planning Board Consensus

Issue for discussion in the form of a question

The Planning Board should discuss if the lot line modification were to be approved the Site Plan for 68 Muir Boulevard should be modified.

Additional comments: _____

Additional Board Comments:

Richard Sperber
LANDSCAPE ARCHITECT

Richard Sperber
Landscape Architecture
1000 West 10th Street
Anchorage, AK 99501
907.562.1234
www.rspber.com

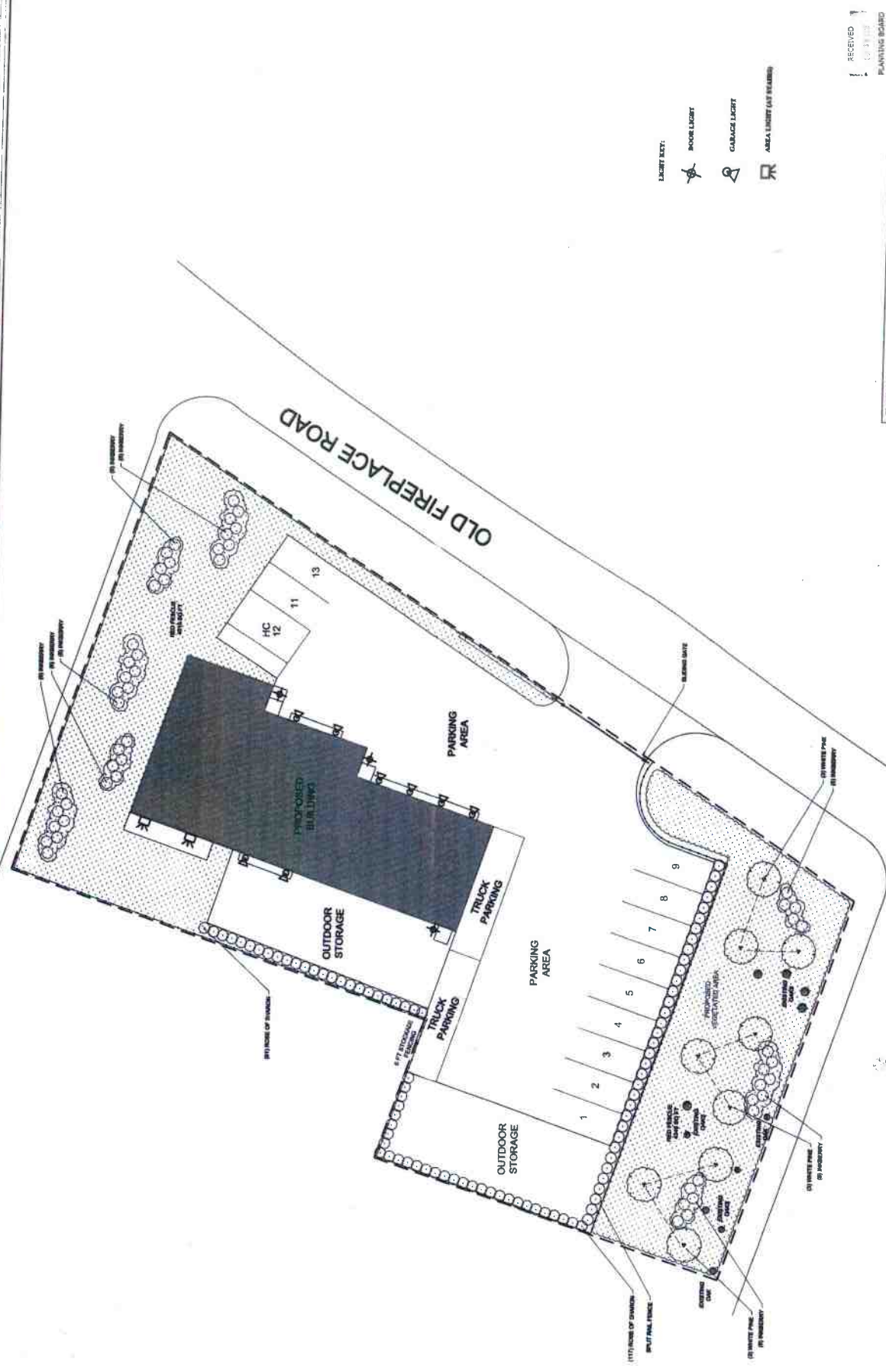
Drawn By: JMS/SLA/2014
Checked By: C.A.M.
Project: [REDACTED]
Date: 08/14/14
Scale: 1/8" = 1'-0"

SPERBER LANDSCAPES OFFICE
EAST VALLEY, AK

PERMIT

north
PLANNING BOARD

RECEIVED
08/14/14



- LIGHT KEY:**
- BLANKET LIGHT
 - CULBAGE LIGHT
 - AREA LIGHT (SEE TABLE)

PLANT LIST:

PLANT NAME	QUANTITY	SIZE	LOCATION	PLANT SPECIES
MATURE TREES	10	12"	PERIMETER	SPICE PRUNELLA
SMALL TREES	10	6"	PERIMETER	SPICE PRUNELLA
PLANTING	10	6"	PERIMETER	SPICE PRUNELLA
PLANTING	10	6"	PERIMETER	SPICE PRUNELLA

Light Type	Quantity	Beam Type	Wattage	Lumens	Mount Height	Mount and Hook Number	Color (Kelvin)	Fluorescent Distribution	Type Class
Blanket Light	3	12.0	24	300	7'	RECESSED	3000	Blanket	Blanket Light
Culbuge Light	5	12.0	18	110	10'	WETLED	3000	Blanket	Blanket Light
Area Light	3	12.0	24	300	10'	WETLED	3000	Blanket	Blanket Light

**LOT LINE MODIFICATION APPLICATION OF
JAM ASSOCIATES & NW PROPERTIES, INC.**

**APPLICATION NARRATIVE
JANUARY 14, 2021**

RECEIVED
JAN 15 2021
PLANNING BOARD

This application seeks approval of a Lot Line Modification to transfer a 3,800 square foot tongue of land, which is sandwiched between land of RCS Properties, Inc. on the west and NW Properties, Inc. on the east, but is owned by JAM Associates, to NW Properties. The land in question has no utility at all for JAM Associates, but if added to that owned by NW Properties it would allow NW Properties to construct a larger and more rectangular building for use by Richard Sperber's landscaping business.

The property belonging to JAM Associates is 80 Old Fireplace Road, East Hampton (SCTM 300-123-3-9.2), called Lot 1 on the map by Saskas Surveying Company dated November 6, 2020. That belonging to NW Properties is 68 Muir Boulevard, East Hampton (SCTM 300-123-3-10.1), called Lot 2 on the map.

The tongue of land extending south from the main part of JAM Associates' property is not usable by JAM Associates. At the north end of this piece JAM has two parking spaces, which inhibit access to the 3,800 square feet of land to the south. In addition, the tongue of land is too narrow for any practical use by JAM Associates.

If, however, the 3,800 square foot piece of land were to be joined with Lot 2 to the east, owned by NW Properties, this joinder would eliminate the sharp jog in the middle of the western boundary of Lot 2 and it would make that lot more regularly shaped.

NW Properties obtained site plan/special permit approval from the Planning Board on November 20, 2019, to allow the construction of a 3,500 square foot one-story commercial building on Lot 2. The building is intended to house for Richard Sperber's landscaping business. Because of Lot 2's current indented west lot line, the approved building had to be stepped back in three places. It still needed front yard variance relief from Old Fireplace Road. (The Zoning Board of Appeals had granted an 11.2' front yard setback variance for the building on July

18, 2018.) Adding the parcel which is proposed to be detached from JAM Associates' property to Lot 2 would allow for a simpler, better designed building to be built on Lot 2, perhaps without front yard variances.

Subtracting the 3,800 square foot tongue of land from Lot 1 does not injure that property in any meaningful way. The JAM Associates property will still comply with Town zoning in every way, except that the parcel will be slightly below the minimum zoning lot area for the Commercial-Industrial zone. A modest lot area variance will be sought from the ZBA.

We respectfully request that the Planning Board approve this application for lot line modification approval.

The application complies with the Town Code's variance standards, as set forth herein:

[1] Will the grant of the variances cause an undesirable change in the character of the neighborhood or will it cause a detriment to nearby properties?

Response: No.

[2] Can the benefits sought be feasibly achieved by some method other than area variances?

Response: No.

[3] Are the area variances sought substantial?

Response: No.

[4] Will grant of the variances have an adverse impact on the physical or environmental conditions in the neighborhood or in the affected area of the Town?

Response: No.

[5] What reasons led you to request this variance rather than to comply with the Town Code?

Response:



Basemap: 2020 NYS Aerial Photography
 Suffolk County Real Property Tax Service
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 Suffolk County Real Property Tax Service Agency (RPTS A)



1" = 100 feet
 Feet
 0 25 50

**THE TOWN
 OF
 EAST HAMPTON
 LOT LINE
 MODIFICATION
 OF
 JAM ASSOC.
 &
 NW PROPERTIES
 80 OLD FIREPLACE
 ROAD
 68 MUIR BLVD**

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Prepared by
THE TOWN OF EAST HAMPTON
 Suffolk County, New York
 Dept. of Information Technology
 Date Prepared: <January 29, 2021>