

PLANNING BOARD MEETING

March 7, 2018

Present at meeting: Chair Joseph B. Potter, Vice Chair Nancy Keeshan, Members Ian Calder-Piedmonte, Kathleen Cunningham, Ed Krug, Patti Leber, and Randall T. Parsons. Also present were Director Marguerite Wolffsohn, Assistant Director JoAnne Pahwul, Counsel John Jilnicki, Secretary Jodi Walker, and several other interested persons.

The meeting was called to order at 6:30 PM.

WORK SESSION:

1. MONTAUK ENERGY STORAGE CENTER, LLC SITE PLAN/SPECIAL PERMIT SCTM #300-27-4-8.8

Director Wolffsohn reads memo and presents plans for Planner Schantz. The board finds that all site plan and special permit standards can be met. The application is ready for approval.

2. WAINSCOTT HOLDINGS, LLC FINAL SUBDIVISION SCTM #300-200-2-51.2

Assistant Director Pahwul reads memo and presents plans. The application is ready for approval.

3. GONE FISHING OUTDOOR DINING SITE PLAN SCTM #300-6-2-27.1, 15.1

Assistant Director Pahwul gives an overview and presents plans. The board will review site plan approvals from other marinas to determine whether or not a variance from the parking requirements is necessary. The applicant states that a low-nitrogen sanitary system will be installed. The town attorney will determine if a variance from the provisions in the town code would allow that applicant to use of outdoor dining that exceeds 30% of the indoor dining. A landscaping plan should be submitted. A revised lighting plan should be submitted. Revised plans that show the correct lot area, proposed improvement, and title of the project and other additional information requested in the planning department memo should be submitted.

4. AMG 531 SITE PLAN/SPECIAL PERMIT SCTM #300-172-2-33.1

Assistant Director Pahwul gives an overview and presents plans. Additional information as outlined in the planning department should be submitted. The traffic study should be amended to reflect elimination of the offices and reduction of number of units from 38 to 37. The archaeological study is complete and no further investigation is required. The board agrees with the concept of creating a green in the middle of the project with periphery parking.

5. HOSTWAY INN SITE PLAN MODIFICATION SCTM #300-166-2-2, 3

Assistant Director Pahwul gives an overview and presents plans. The applicant should submit a revised landscape plan that depicts screening across the front of the parcel. The applicant should submit a revised lighting plan as outlined in the planning department memo. The board agrees to relax the front and side yard setbacks for the proposed parking as long as sufficient screening is provided. Screening should be proposed for the east side of the property. Revised floor plans and elevation drawings that reflect the changes to the project should be submitted. A public hearing will be held at the time of complete application.

By motions made, seconded, the following resolutions were approved by the Board:

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK**

**In the Matter of the Application
of**

**CONDITIONAL
FINAL
APPROVAL**

**WAINSCOTT HOLDINGS, LLC
FINAL SUBDIVISION
SCTM #300-200-2-51.2**

ADOPTED: 3 / 7 / 18

FINDINGS AND DETERMINATION OF THE BOARD

The findings of fact, conclusions, and determination set forth herein are made after consideration of the application, any presentations, memoranda or correspondence made or submitted to the Board by staff or interested parties, comments taken at any public hearing on the application, and inspection of the subject property.

A. PROJECT DESCRIPTION

- 1. NATURE OF APPLICATION:** Final subdivision application pursuant to Chapter 220 (Subdivision of Land) and Chapter 193 (Open Space Preservation) of the East Hampton Town Code.
- 2. OWNER OF PROPERTY:** Jane Lauder
- 3. SIZE OF PROPERTY:** 36.45 acres
- 4. NUMBER OF LOTS PROPOSED:** 3
- 5. SIZE OF PROPOSED RESERVED AREA:** N/A
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** 25.55 acres
- 7. PREPARER OF PROPOSED MAP:** George Walbridge Surveyors, P.C.
- 8. DATE OF PROPOSED MAP:** Revised December 8, 2017
- 9. DATE OF PRELIMINARY SUBDIVISION APPROVAL:** April 27, 2016
- 10. DATE OF PUBLIC HEARING ON APPLICATION:** None. A public hearing was held on the preliminary map. Because no issues have arisen which would warrant a hearing on the proposed final map, such hearing has been waived pursuant to § 220-2.13 of the Town Code.

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-200-2-51.2
- 2. STREET LOCATION:** 131 Town Line Road
- 3. CONTIGUOUS WATER BODIES:** Atlantic Ocean
- 4. HAMLET OR GEOGRAPHIC AREA:** Wainscott
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** On May 11, 2011, the Planning Board approved the Field Site Plan for the construction of a two story, one family residence on a parcel of over ten (10) acres within the Agricultural Overlay District. In December 2012, the Planning Board approved the construction of an entertainment pavilion consisting of three, six hundred square foot buildings, totaling 1,800 square feet on a 41' x 84' or 3,444 sq. ft. deck as "a useable, non-habitable area". These structures are located on what is proposed as Lot 1 of the subdivision. The majority of the remaining portion of the site has been utilized to grow agricultural crops.
- 6. EXISTING FILED MAP NAME:** N/A
- 7. EXISTING FILED MAP NUMBER:** N/A
- 8. FILING DATE OF EXISTING MAP:** N/A
- 9. BLOCK NUMBER IN EXISTING FILED MAP:** N/A
- 10. LOT NUMBERS IN EXISTING FILED MAP:** N/A

C. ZONING CLASSIFICATION

1. **ZONING DISTRICT:** A5 Residence
2. **ZONING OVERLAY DISTRICT:** Agricultural Overlay District

D. SEQRA REVIEW

1. **SEQRA CLASSIFICATION:** Unlisted
2. **LEAD AGENCY:** Planning Board
3. **DETERMINATION OF SIGNIFICANCE:** Negative declaration
4. **DATE OF DETERMINATION:** October 21, 2015

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. By letter dated January 21, 2016, received on January 27, 2016, the Suffolk County Planning Commission found the application to be a matter for local determination.
2. By letter dated July 12, 2013, the Bridge Hampton Fire District requested that public water be installed on the south and west sides of the proposed access/driveway in the subdivision and that 4 hydrants capable of producing 750 gallons per minute per hydrant be provided in the locations depicted on a map stamped "Received by the Fire Marshal East Hampton Town" on June 20, 2013. The Board of Commissioners also requested that a Fire Protection Easement be provided in order to allow access to the onsite fire hydrants if the access is to be a private road. By letter dated May 27th, 2016, the Bridge Hampton Fire District revised the recommendation to reduce the number of required hydrants to two.
3. The application was referred to the Village of Sagaponack on December 14, 2016. No comments from that entity were received.
4. A yield map prepared by George Walbridge Surveyors dated April 9, 2010 demonstrated six standard lots that conformed to zoning. The applicant proposes to reduce density from six to five residential units and is therefore not subject to the Long Island Workforce Housing Act.
5. Given the sensitivity of dune land along the ocean, it has been the Planning Board's policy to restrict the number of beach accesses when reviewing subdivisions. One additional beach access to be shared by Lots 2 and 3 will be allowed.
6. The Planning Board has agreed to relax the side yard setbacks for Lot 1 for the accessory structures depicted on the map.
7. The New York State Department of Environmental Conservation issued Permit ID 1-4724-01802/00005 for the subdivision on May 15, 2017.

F. COMPLIANCE WITH TOWN CODE OR OTHER REQUIREMENTS OF LAW

Based upon the foregoing, the Planning Board finds that the application as approved, subject to any conditions or modifications specified in § H below, meets the following requirements:

1. The application satisfies the general policy and requirements of §§ 220-1.05 (A) through (N) of the Town Code.
2. The application meets the requirements enumerated in §§ 220-2.11 (A) through (D) of the Town Code.
3. The application meets the requirements of §§ 220-1.06 (A) through (J) of the Town Code.
4. The application adheres to the design criteria enumerated in Article III of Chapter 220 of the Town Code.

5. The application is made and approved pursuant to Chapter 193 (Open Space Preservation) of the Town Code, and meets all requirements of Chapter 193.
6. Except where those requirements have been varied pursuant to Chapter 193, the application satisfies all requirements of Chapter 255 (Zoning) of the Town Code.
7. The applicant will make all improvements deemed necessary by this Board pursuant to § 220-1.11 of the Town Code.
8. The applicant has satisfied all conditions of preliminary plat approval.

G. DISPOSITION OF APPLICATION

Final subdivision approval is hereby granted to the Map as described herein, subject to any conditions or modifications specified in § H below.

- 1. NAME OF APPROVED MAP:** Wainscott Holdings LLC Final Plat Sheets 1 & 2
- 2. PREPARER OF APPROVED MAP:** George Walbridge Surveyors P.C.
- 3. DATE OF APPROVED MAP:** December 8, 2017

H. CONDITIONS OF APPROVAL

The conditional final subdivision approval hereby granted is contingent upon full compliance with the conditions set forth in this section. No property may be transferred, nor any improvements made, except in accordance with this conditional approval.

1. No conveyances may be made of any of the lots shown on the Map (except as part of a conveyance of the entire premises comprising the Map) until and unless the Map has been signed by the Planning Board Chair and recorded at the Office of the Suffolk County Clerk.
2. The Planning Board Chair shall not sign the Map until and unless the applicant has met the conditions contained in ¶ 5, 13, 17, 19, 21, and 25 below.
3. For the sole purpose of enabling the Planning Board Chair to sign the Map, the applicant shall have satisfied any condition of this approval which requires the applicant to record one or more easements, declarations, or other legal instruments at the Office of the Suffolk County Clerk either **(a)** for easements or other conveyances which must be accepted by the Town Board, whether or not pursuant to the provisions of § 247 of the General Municipal Law, when these easements or other conveyances have been actually accepted by the Town Board, or **(b)** for all other easements, declarations, or legal instruments, when the form of these easements, declarations, or other instruments has been approved by counsel to this Board.
4. The applicant shall record any and all of the documents referred to in the preceding paragraph at the Office of the Suffolk County Clerk simultaneously with the filing of the Map, and shall return three (3) copies of each such recorded document, with proof of recordation shown thereon, to the Town Clerk before building permits will be issued on any of the lots shown on the Map.
5. The applicant shall perform the access improvements specified on the final map.
6. The applicant shall install fire hydrants as recommended by the Bridgehampton Fire Department, and the same shall be inspected and approved by the Bridgehampton Fire Department prior to the issuance of building permits on any of the lots shown on the Map.
7. The applicant shall install public water to serve the lots shown on the Map.
8. The applicant shall install belowground all utilities servicing the proposed lots, including electric, telephone, and, if available, cable television wiring, in accordance with the requirements of Chapter 220 of the Town Code. Any electric transformers placed, installed, erected, or

constructed on this property or on the adjacent highway rights-of-way shall be located below natural grade.

9. Lots 1 and 3 shall each be permitted two single family residences, plus accessory buildings and structures.

10. Lot 2 shown on the Map shall not be used for the construction or erection of more than one (1) single family residence, plus accessory buildings and structures.

11. Lots 1, 2, and 3 shall take access from Town Line Road by way of a single common driveway as shown on the Map.

12. The applicant shall prepare and submit a common driveway declaration for Lots 1, 2, and 3, including course descriptions of the common driveways, in a form acceptable to and approved by counsel to this Board. The said declaration shall provide for its modification or termination only with the written consent of the East Hampton Town Planning Board and said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶ 4 above.

13. Consistent with the limitations set forth in the Town Code, no shore hardening structures shall be permitted for Lots 1, 2, or 3.

14. One additional beach access to be shared by Lots 1 and 2 shall be permitted.

15. No buildings or structures may be placed, installed, erected, or constructed within the areas depicted on the Map as "scenic easement" nor may any clearing, grading, or filling occur within these areas, and the said areas shall be left in their natural state forever. One additional beach access to be shared by Lots 2 and 3 that shall not have a width greater than 4' shall be allowed within the scenic easements. The scenic easement shall allow for dune replenishment. The location and materials of this access shall be determined by the Zoning Board of Appeals during review of a Natural Resources Special Permit. No platforms, sitting areas, railings, security cameras, electrical or water service or other infrastructure, including music systems or any other appurtenances that would be detrimental to wildlife or the environment shall be permitted within the area of the scenic easements.

16. In order to best effectuate and make permanent the foregoing condition, the applicant shall grant to and have accepted by the Town of East Hampton scenic easements, in standard form acceptable to counsel to this Board, covering the portions of Lots 1, 2, and 3 shown on the Map to be so encumbered. The applicant shall record these easements with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk in accordance with the provisions of ¶ 4 above.

17. No buildings or structures may be placed, installed, erected, or constructed within the areas depicted on the Map as "agricultural reserved area" except for agricultural buildings and structures which are reasonably necessary for agricultural operations actually being conducted within these areas, and provided that site plan approval of the East Hampton Town Planning Board is first obtained. These areas shall be maintained in such a state that they remain forever available and suitable for agricultural use.

18. In order to best effectuate and make permanent the foregoing condition, the applicant shall grant to and have accepted by the Town of East Hampton an agricultural use easement, in standard form acceptable to counsel to this Board, covering the areas depicted on the Map as "agricultural reserved area." The agricultural easement shall be submitted for review and approval by the Town Attorney and the Planning Board. The applicant shall record this easement with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk in

accordance with the provisions of ¶ 4 above.

19. No buildings or structures, except fences, shall be constructed within ten (10) feet of the boundary of any scenic easement.

20. The applicant shall execute a Fire Protection Easement with the Bridge Hampton Fire District, in form acceptable to the Bridge Hampton Fire District and approved by counsel to this Board, which allows the District access to the fire hydrant located along the common driveway for its use, inspection, maintenance and similar purposes. The said easement shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map and copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶ 4 above.

21. Approval of the Architectural Review Board shall be required prior to the issuance of building permits for construction on Lots 1, 2, and 3 shown on the Map.

22. There shall be no further division of any of the lots shown on this Map.

23. All stormwater run-off resulting from the development of the lots shown on the Map shall be contained within the said lots.

24. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶ 10, 11, 12, 14, 15, 20, 22, 23, and 24 above and in standard form acceptable to and approved by Counsel to this Board. The said declaration shall provide for its modification or termination only upon the approval of the East Hampton Town Planning Board, after a public hearing held on ten (10) days' notice. Said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶ 4 above.

25. All conditions prerequisite to the signing of the Map by the Planning Board Chair shall be met within six (6) months of the date of this resolution.

I. VALIDITY OF APPROVAL

The foregoing constitutes this Board's conditional final subdivision approval for the "Map of Wainscott Holdings, LLC Final Subdivision". If any condition of this resolution is not met, or is not met within the prescribed time period, the final subdivision approval hereby granted shall become void and of no effect.

DATED: March 7, 2018

cc: Lisa Poyer
Inter-Science Research Assoc.
P.O. Box 1201
Southampton, NY 11969

Planning Department
Building Inspector
Board of Assessors

Result: Adopted
Mover: Randall T. Parsons
Seconder: Nancy Keeshan
Ayes: Joseph B. Potter, Nancy Keeshan, Patti Leber, Randall T. Parsons, Ian Calder-Piedmonte, Kathleen Cunningham, Ed Krug

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK**

In the Matter of the Application

of

**SCHEDULE
PUBLIC HEARING**

**NEW CINGULAR WIRELESS (AT&T)
AT MONTAUK POINT LIGHTHOUSE
SITE PLAN/SPECIAL PERMIT/
PERSONAL WIRELESS SERVICE FACILITY
SCTM # 300-15-1-9**

ADOPTED: 3 / 7 / 18

1. Montauk Historical Society, owner, in conjunction with New Cingular Wireless PCS, LLC, has made application for site plan/special permit approval pursuant to Articles V and VI of Chapter 255 of the East Hampton Town Code, to locate a total of nine (9) panel antennas with three (3) sectors containing three (3) antennas each mounted on the face of the fire control tower, a GPS unit to be mounted to the top of the tower, with all other electrical equipment to be situated in the interior of the tower. The property contains 166,920 square feet (3.8 acres) and is located on the east side of Montauk Highway, Montauk and is situated in a Parks & Conservation (PC) zoning district as shown on the official Zoning Map of the Town of East Hampton. Premises are identified on the Suffolk County Tax Map as parcel SCTM #300-15-1-9.

2. Subject application is classified as a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), Part 617 of the New York Code of Rules and Regulations, and Chapter 128 (Environmental Quality Review) of the Town Code.

3. A set of plans prepared by KMB Design Group, dated revised March, 2017 including: Cove Sheet (T01), Site Plan (Z01), Roof Plan & Elevation (Z02), Elevation (Z02A), Equipment Plans (Z03), Equipment & Antenna Specifications (Z03A), Antenna Plan (Z04), and Antenna Paint Specifications (Z05); and a survey prepared by GTS Consultants dated February 3, 2017 are available for inspection at the Planning Board offices, 300 Pantigo Place, Suite 103, East Hampton, New York.

4. A public hearing is hereby scheduled to be held at Town Hall, 159 Pantigo Road, East Hampton, on Wednesday, March 28, 2018 at 7:00 P.M. or as soon thereafter as this matter may be heard, to consider the said application.

5. The applicant is hereby notified of the requirement that adjacent property owners as listed on the local assessment rolls, including those immediately across any public or private streets, be notified and that the subject property be posted, as required by § 255-9-23 of the Town Code.

DATED: March 7, 2018

cc: John Huber
Ré, Nielsen, Huber & Coughlin, LLP
36 North New York Avenue
Huntington, NY 11743

Planning Department
Building Department
Architectural Review Board

Result: Adopted
Mover: Nancy Keeshan
Second: Kathleen Cunningham

Ayes: Joseph B. Potter, Nancy Keeshan, Patti Leber, Randall T. Parsons, Ian Calder-Piedmonte, Kathleen Cunningham, Ed Krug

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK**

In the Matter of the Application

of

**EXTENSION
OF TIME**

**BUSTAMANTE/KRAJICEK
LOT LINE MODIFICATION
SCTM #300-28-5-45.1, 41**

ADOPTED: 3 / 7 / 18

1. By resolution adopted August 23, 2017, (the "Resolution"), the Planning Board granted lot line modification approval to the above-mentioned application, subject to various conditions.

2. By form dated received February 21, 2018, James Krajicek, owner, has informed the Planning Board that additional time is needed to meet the conditions of the Planning Board Resolution in order that the map may be signed, and has requested an extension of time.

3. Based upon the foregoing, the Planning Board hereby extends the time within which the applicant must comply with the conditions of the Board's resolution for a period of one (1) year, or until February 23, 2019.

4. In all other respects, the original Resolution of approval as extended is hereby reaffirmed.

DATED: March 7, 2018

cc: James Krajicek
P.O. Box 989
Montauk, NY 11954

Planning Department
Building Department

Result: Adopted
Mover: Nancy Keeshan
Seconder: Joseph B. Potter
Ayes: Joseph B. Potter, Nancy Keeshan, Patti Leber, Randall T. Parsons, Ian Calder-Piedmonte, Kathleen Cunningham, Ed Krug

Adoption of Minutes: February 28, 2018

Upon motion duly made and seconded the meeting was adjourned at 8:55 PM.