

PLANNING BOARD MEETING

April 26, 2023

Present at the meeting: Chairman Samuel Kramer, Vice Chair Ian Calder-Piedmonte, Members Louis Cortese, Michael Hansen, Ed, Krug, Sharon McCobb and Randall T. Parsons and Counsel Nancy Marshall, and Assistant Director Eric Schantz, Planner Tina Vavilis LaGarenne, Secretary Jodi Walker, and several other interested persons.

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

WORK SESSION:

1. 395 PANTIGO ROAD PRELIMINARY SUBDIVISION SCTM #300-189-1-4

Assistant Director Schantz gives an overview and presents plans. The application is complete and ready to be scheduled for public hearing.

2. PROPERTY OF DRUMM MINOR SUBDIVISION MODIFICATION SCTM #300-12-3-6, P/O 7.7

TABLED

3. NCW AT ST. PETER'S CHAPEL SITE PLAN/SPECIAL PERMIT/PWSF SCTM #300-103-6-24.1

Assistant Director Schantz gives an overview and presents plans. The application is ready for approval.

REGULAR MEETING:

The following Board of Review by counsel, and upon motions duly made and seconded, were approved by the Board:

ADOPTED BY PLANNING BOARD: APRIL 26, 2023

BOARD OF REVIEW: PLANNING BOARD

WHEREAS, the Town Engineer has brought before the Board of Review the request of **MATTHEW GUZOWSKI**, for a Building Permit on premises located in **12 GAINESBORO COURT, MONTAUK, LOT 14, BLOCK 159, MAP 1017, URP 76 IN MN-5**; and **S.C.T.M. #300-19-4-23**.

WHEREAS, A revised report has been made on UR Form No. 2-1976 updated **APRIL 18, 2023**, which is attached to and made a part of this Resolution;

Now, therefore, be it

RESOLVED, that upon completion of the revised work shown on UR Form No. 2-1976 dated **APRIL 18, 2023**, the Building Inspector may issue a Building Permit on said

premises, or, in the alternative, he may issue a Building Permit upon Town Board's approval of an Undertaking secured by a Certified Check or other Surety acceptable to the Town Board, to secure road improvement units required. Said Undertaking to be in the amount of **\$16,500.00**. These requirements shall be subject to review one (1) year from the date of this Resolution or **APRIL 26, 2024**.

ADOPTED BY PLANNING BOARD: APRIL 26, 2023

BOARD OF REVIEW: PLANNING BOARD

WHEREAS, the Town Engineer has brought before the Board of Review the request of **AD REM II LLC c/o: WILLIAM J. FOWKES**, for a Building Permit on premises located in **65 HARBOR VIEW AVENUE, EAST HAMPTON; LOTS 167-175, BLOCK 30, MAP 426, URP 7 IN EH-4, AND S.C.T.M. #300-123-5-4, 5.**

WHEREAS, Report has been made on UR Form No. 2-1976 dated **APRIL 10, 2023**, which is attached to and made a part of this Resolution;

Now, therefore, be it

RESOLVED, that upon completion of the work shown on UR Form No. 2-1976 dated **APRIL 10, 2023**, the Building Inspector may issue a Building Permit on said premises, or, in the alternative, he may issue a Building Permit upon Town Board's approval of an Undertaking secured by a Certified Check or other Surety acceptable to the Town Board, to secure road improvement units required. Said Undertaking to be in the amount of **\$14,500.00**. These requirements shall be subject to review one (1) year from the date of this Resolution or **APRIL 26, 2024**.

ADOPTED BY PLANNING BOARD: APRIL 26, 2023

BOARD OF REVIEW: PLANNING BOARD

WHEREAS, the Town Engineer has brought before the Board of Review the request of **TUCKAWAY HOMES, LLC, Z. ALLENTUCK**, for a Building Permit on premises located in **26 1st ST, SPRINGS; LOTS 9-16, BLOCK 3; MAP 499; URP 8 IN SP 2-1; and**

S.C.T.M. #300-75-2-12.9.

WHEREAS, Report has been made on UR Form No. 2-1976 dated **APRIL 10, 2023**, which is attached to and made a part of this Resolution;

Now, therefore, be it

RESOLVED, that upon completion of the work shown on UR Form No. 2-1976 dated **APRIL 10, 2023**, the Building Inspector may issue a Building Permit on said premises, or, in the alternative, he may issue a Building Permit upon Town Board's approval of an Undertaking secured by a Certified Check or other Surety acceptable to the Town Board, to secure road improvement unit required. Said Undertaking to be in the amount of **\$14,500.00**. These requirements shall be subject to review one (1) year from the date of this Resolution or **APRIL 26, 2024**.

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**

**WAIVER OF
SUBDIVISION
APPROVAL**

**MAP OF KATHLEEN DODGE
MINOR SUBDIVISION
SCTM #300-144.1-1-84**

ADOPTED: 4 / 26 / 2023

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, and inspection of the subject property.

A. PROJECT DESCRIPTION

- 1. NATURE OF APPLICATION:** Application for waiver of subdivision approval pursuant to Chapter 220 (Subdivision of Land) of the East Hampton Town Code.
- 2. OWNER OF PROPERTY:** 79 Middle Highway, LLC
- 3. SIZE OF PROPERTY:** 46,444 sq. ft.
- 4. NUMBER OF LOTS PROPOSED:** 2
- 5. SIZE OF PROPOSED RESERVED AREA:** N/A
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** N/A
- 7. PREPARER OF PROPOSED MAP:** George Walbridge Surveyors, P.C.
- 8. DATE OF PROPOSED MAP:** Last revised September 27, 2022
- 9. DATE OF PUBLIC HEARING ON APPLICATION:** March 22, 2023

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-144.1-1-84
- 2. STREET LOCATION:** 79 Middle Highway
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** There is an existing 2 story frame single family dwelling with an attached garage on the proposed Lot 1, with a deck addition currently under construction, as well as a 120 sq. ft. frame shed. An additional single-family dwelling is tentatively planned on the proposed Lot 2.
- 6. EXISTING FILED MAP NAME:** Montauk Lawns, Section I
- 7. EXISTING FILED MAP NUMBER:** 119
- 8. FILING DATE OF EXISTING MAP:** 04/04/1977
- 9. BLOCK NUMBER IN EXISTING FILED MAP:** Block 1 & Block 7
- 10. LOT NUMBERS IN EXISTING FILED MAP:** 2 – 16 & Parts of lots 1, 17, 18, and 19 of Block 1. 3 – 7 of Block 7

C. ZONING CLASSIFICATION

- 1. ZONING DISTRICT:** B: Residence
- 2. ZONING OVERLAY DISTRICT:** N/A

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative declaration
- 4. DATE OF DETERMINATION:** January 11, 2023

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Review by the Suffolk County Planning Commission is not required.
2. Comments from the Fire Marshall dated August 24, 2021 have found the submitted information sufficient and no further review necessary

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 meets all standards contained in Articles X, XI, and XII of Chapter 220 of the Town Code for waiver of subdivision approval.
2. The application satisfies the general policy and standards of §§ 220-1.05 (A) through (N) of the Town Code.

G. DISPOSITION OF APPLICATION

Subdivision approval is hereby waived in accordance with the Map described herein, subject to any conditions or modifications specified in § H below.

- 1. NAME OF APPROVED MAP:** Kathleen Dodge
- 2. PREPARER OF APPROVED MAP:** George Walbridge Surveyors, P.C.
- 3. DATE OF APPROVED MAP:** September 27, 2022

H. CONDITIONS OF APPROVAL

The minor 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. The applicant shall file this Map at the Office of the Suffolk County Clerk in accordance with the procedures for the filing of subdivision maps.
2. 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.
3. The Planning Board Chair shall not sign the Map until and unless the applicant has met the conditions contained in ¶ 4 and 5 below.
4. The applicant shall obtain Suffolk County Department of Health Services (SCDHS) approval of the Map. A copy of the approved map containing an original stamp of approval from that agency, not a photocopy, shall be submitted.
5. Applicant shall obtain approval of the Town Board for the modification of the Urban Renewal Map
6. 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.
7. Before the start of clearing, grading, or construction work on Lot 2 shown on the Map, project-limiting fencing shall be installed along the perimeter of the areas proposed to be cleared. This fencing shall remain in place until all clearing, grading, or construction work on the particular lot or lots has been completed.
8. The area of clearing on any of the lots shown on the Map shall not exceed the area permitted for clearing by the regulations in §255-2-60 (Residential district provisions).
9. All stormwater run-off resulting from the development of the lots shown on the Map shall be contained within the said lots.
10. 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.

VALIDITY OF APPROVAL

The foregoing constitutes this Board's conditional waiver of subdivision approval for the "Map of Kathleen Dodge Minor Subdivision". If any condition of this resolution is not met, or is not met within the prescribed time period, the minor subdivision approval hereby granted shall become void and of no effect.

DATED: April 26, 2023

cc: Dianne K. Leverrier, Esq.
Jordan and Leverrier, P.C
257 Pantigo Road
East Hampton, NY 11937

Planning Department
Building Inspector
Board of Assessors

Mover: Louis Cortese
Seconder: Ed Krug
Ayes: Samuel Kramer, Ian Calder-Piedmonte, Sharon McCobb, Randall T. Parsons,
Michael Hansen, Louis Cortese, Ed Krug

Mover: Sharon McCobb
Seconder: Michael Hansen
Ayes: Samuel Kramer, Ian Calder-Piedmonte, Sharon McCobb, Randall T. Parsons,
Michael Hansen, Louis Cortese, Ed Krug

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

In the Matter of the Application

**SITE PLAN/
SPECIAL PERMIT
DETERMINATION**

of

**NEW CINGULAR WIRELESS (AT&T) at
ST. PETER'S CHAPEL II – PERSONAL WIRELESS
SERVICE FACILITY (PWSF)
SITE PLAN/SPECIAL PERMIT
SCTM#300-103-6-24.1**

ADOPTED: 4 / 26 / 2023

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. TYPE OF APPROVAL SOUGHT:

(a) Site plan approval pursuant to Article VI of Chapter 255 (Zoning) of the East Hampton Town Code.

(b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. USE REQUIRING SPECIAL PERMIT: Personal Wireless Service Facility

3. DESCRIPTION OF PROPOSED WORK: To construct a new Personal Wireless Service Facility (PWSF) consisting of a seventy (70') foot monopole with six (6) panel antennas, and associated equipment and 18' 6" X 18' 4" (340 sq. ft.) fenced-in ground level equipment compound and gate to entry way.

4. SIZE OF PROPERTY: 26,153 sq. ft.

5. OWNER OF PROPERTY: St. Luke's Episcopal Church of East Hampton

6. APPLICANT: Matthew J. Fitzgerald, Phillips Lytle, LLP on behalf of New Cingular Wireless

7. PROPOSED PLANS: Set of plans prepared by David E. Revette P.E., dated April 11, 2023 including Sheets: Title Sheet (T-1), General Notes (G-1), Radius Map & Abutters Plan (Z-1), Site Line Plan (Z-2), Site Plan – 1 (SP-1), Site Plan – II (SP-2), Grading Plan (C-1), West Elevation (C-2), North Elevation (C-3), Sight Line Profiles-I (C-4), Sight Line Profiles-II (C-5), Site Line Photo simulations (C-6), Compound Plan (C-7), Construction Details 1 (C-8), Construction Details II (C-9), Construction Details III (C-10), Details, Schedule & Notes (C-11), Equipment Detail (C-12), Plumbing Diagram (C-13), Electrical Riser Diagram (E-1), Compound Grounding Plan (E-2), Grounding details (E-3) and Supplemental Radio Frequency

Engineer Report.

8. DATE OF PUBLIC HEARING ON APPLICATION: April 12, 2023

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-103-6-24.1
- 2. STREET LOCATION:** 465 Old Stone Highway
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** Springs
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** 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 principal building is St. Peter's Chapel which dates back to 1881. This structure certainly meets the common definition of "historic" and was included in the Town's Historic Preservation Report Phase One: Reconnaissance Survey, dated March 1989, and is listed in the 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 was not identified in the review of properties for potential historic preservation prepared in 1990 (The Town of East Hampton Historic Preservation Report Phase Two (also) prepared by Robert J. Hefner). As of February 2022, St. Peter's Chapel has been recognized by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation as eligible to be placed in the New York State and/or National Register of Historic Places. The building appears to have had additions and other changes since it was first constructed. There is a Civil War era bell in the chapel's bell tower.

- 6. FILED MAP NAME:** N/A
- 7. FILED MAP NUMBER:** N/A
- 8. DATE OF MAP FILING:** N/A
- 9. BLOCK NUMBER IN FILED MAP:** N/A
- 10. LOT NUMBER IN FILED MAP:** N/A

C. ZONING CLASSIFICATION

- 1. ZONING DISTRICT:** B: Residence
- 2. ZONING OVERLAY DISTRICT:** N/A

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative Declaration
- 4. DATE OF DETERMINATION:** March 4, 2020

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Pursuant to the inter-municipal agreement between the Town of East Hampton and the County of Suffolk, the subject application does not require referral to the Suffolk County Planning Commission (CPC).
2. The subject premises are presently zoned B Residential. The site is St. Peter's Chapel, a church built in 1881, which predates the Town's adoption of the zoning code.
3. The Planning Board has reviewed this application with the assistance of the Town of East Hampton's wireless consultants, Cityscape, which submitted a memorandum dated March 7, 2023 indicating recommended conditions of approval.
4. A Radio Frequency (RF) engineer's report has been submitted which verifies that the proposed facility will be in compliance with Federal Communication Commission standards.

5. By letter dated received November 14, 2019, the Office of Fire Prevention stated that no additional information is necessary for fire-fighting purposes.
6. This property has previously been before the Planning Board. In a Resolution dated July 22, 2020, the Planning Board denied a prior application for a PWSF consisting of a fifty (50') foot tall campanile, or bell tower, adjacent to the existing Chapel.
7. Article 78 proceedings were subsequently initiated, and this present application is the result of a Settlement Agreement executed in counterparts by the Town of East Hampton, the Planning Board and the Architectural Review Board in December of 2021, and by applicant AT & T in February of 2022. Pursuant to said Agreement, if the Planning Board and/or the Architectural Review Board fails to approve the subject application for a seventy (70') foot tall monopole PWSF, applicant AT & T shall be deemed to have received de facto approval for the construction of the alternative fifty (50') foot tall campanile.
8. Applicant has submitted mitigation measures against adverse visual impacts from the monopole, including a gate in front of the driveway leading to the monopole and equipment area, and the planting of evergreen screening.
9. Comments from the public received at the April 12, 2023 public hearing were generally against the proposal. Concerns, including the detrimental visual impacts of a PWSF at this site, impacts on a locally regarded historical site, environmental impacts from a potential fuel spill, and possible adverse traffic impacts were enumerated by several of the speakers at that public hearing.
10. In a memorandum to the applicants dated February 6, 2023, the New York State Office of Parks, Recreation and Historic Preservation (SHPO) stated that it prefers a monopole option as opposed to a campanile because it would be easier to decommission at a possible future date without damaging the historic building and because the contemporary appearance of the monopole would not create a false sense of architectural history.
11. The Planning Board finds that, while the proposed project meets none of the Opportunity Site criteria under § 255-1-41(F)(2) of the Town Code, the approval of the proposed seventy (70') foot monopole is preferable to the alternative defacto approval of a fifty (50') foot tall campanile.
12. The Planning Board finds that the proposed monopole will have less visible impact than a campanile structure on the rural and neighborhood quality of the site, and would be more compatible with the adjacent existing chapel building and less obtrusive than a campanile.
13. The Planning Board agrees with SHPO's assessment that a monopole on the site would be preferable to a campanile in that it would be easier to decommission at a later date should that opportunity arise.

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 contains all necessary elements of a site plan as enumerated in § 255-6-50 of the Town Code.
2. The application meets the standards enumerated for review of site plans in § 255-6-60 of the Town Code.
3. The application meets the general standards required for the issuance of a special permit by § 255-5-40 of the Town Code, in that:
 - (A) Nature of use. The use proposed will be in harmony with and promote the general

purposes of Chapter 255 of the Town Code as the same are set forth in § 255-1-11 thereof.

(B) Lot area. The lot area is sufficient, appropriate, and adequate for the use, as well as reasonably anticipated operation and expansion thereof.

(C) Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties.

(D) Compatibility. The site of the proposed use is a suitable one for the location of a Personal Wireless Service Facility in the Town, and the proposed use will be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale, and overall appearance.

(E) Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.

(F) Use definition. The proposed use conforms to the Town Code's definition of "Personal Wireless Service Facility" as that definition is used in § 255-1-20 of the Town Code.

(G) Circulation. Access facilities are adequate for the traffic estimated to be generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and vehicular entrances and exits are clearly visible from the street and are not within seventy-five (75) feet of the intersection of street lines at a street intersection.

(H) Parking. The off-street parking spaces proposed for this application satisfy the requirements of the applicable provisions of Chapter 255 of the Town Code, and are in any case more than adequate for the actual anticipated number of occupants of the proposed use. Furthermore, the layout of the spaces and related facilities will be convenient and conducive to safe operation.

(I) Buffering and screening. Adequate buffer yards and screening have been provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

(J) Runoff and waste. Adequate provision has been made for the collection and disposal of stormwater runoff, sewage, refuse, and other liquid, solid, or gaseous waste which the proposed use will generate.

(K) Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems, or processes and without significant negative impact to groundwater and surface waters on or off the site.

(L) Compliance with other laws. The proposed use can and will comply with all provisions of the Town Code which are applicable to it, and can meet every other applicable federal, state, county, and local law, ordinance, rule, or regulation.

(M) Conformity with other standards. The proposed use can and will meet all of the specific standards and incorporate all of the specific safeguards required of the particular use by § 255-5-50 of the Town Code.

G. DISPOSITION OF APPLICATION

The application is approved as described herein, subject to any conditions or modifications specified in § H below.

1. TYPE OF APPROVAL GRANTED:

- (a) Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.
- (b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. NATURE OF APPROVED USE: Personal Wireless Service Facility

3. DESCRIPTION OF APPROVED WORK To construct a Personal Wireless Service Facility consisting of a seventy (70') foot monopole with six (6) panel antennas, and associated equipment and 18' 6" X 18' 4" (340 sq. ft.) fenced-in ground level equipment compound and gate to entry way.

H. CONDITIONS OF APPROVAL

The approval hereby granted is contingent upon full compliance with the conditions set forth in this section. The property may not be used except in accordance with this conditional approval, and all improvements shall be made, built, or installed in accordance with the plans described below.

1. APPROVED BUILDING OR CONSTRUCTION PLANS: Plans prepared by David E. Revette P.E., dated April 11, 2023 including Sheets: Title Sheet (T-1), General Notes (G-1), Radius Map & Abutters Plan (Z-1), Site Line Plan (Z-2), Site Plan – 1 (SP-1), Site Plan – II (SP-2), Grading Plan (C-1), West Elevation (C-2), North Elevation (C-3), Sight Line Profiles-I (C-4), Sight Line Profiles-II (C-5), Site Line Photo simulations (C-6), Compound Plan (C-7), Construction Details 1 (C-8), Construction Details II (C-9), Construction Details III (C-10), Details, Schedule & Notes (C-11), Equipment Detail (C-12), Plumbing Diagram (C-13), Electrical Riser Diagram (E-1), Compound Grounding Plan (E-2), Grounding details (E-3) and Supplemental Radio Frequency Engineer Report.

2. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

2.1 No building permits may issue, nor may clearing, grading, or construction activities be commenced, until and unless the conditions enumerated in sub¶ 2.2 below have been met, as evidenced by the report of the Planning Board Chair.

2.2 The applicant shall obtain final approval of the Architectural Review Board

2.3 Prior to the issuance of a certificate of occupancy, the applicants shall submit a certified report from a licensed engineer stating that the work has been performed in accordance with the approved plans and appropriate building codes.

2.4 Prior to the issuance of a certificate of occupancy, the applicants shall submit a copy of approval from the Federal Communications Commission (FCC).

2.5 Prior to the issuance of a certificate of occupancy, the applicants shall submit proof of any requisite approvals of the New York State Office of Parks, Recreation and Historic Preservation (SHPO).

2.6 Prior to the issuance of a certificate of occupancy, the applicant shall submit a request for a final inspection and the associated fee to the Planning Board.

2.7 The applicant shall install all landscaping/screening as depicted on the approved plans. The maintenance of landscaping and screening shall be a continuing condition of approval.

2.8 The generator fuel storage must comply with Suffolk County, NY DEP and EPA requirements. The emergency generators in the compound, when tested, shall comply with the maximum acoustic noise level and restricted hours of operation as may be specified by local code and all required permits for the aboveground fuel tank that is part of the generator shall be obtained.

2.9 All feed lines shall be installed within the monopole and antenna ports shall be sealed in a manner to prevent access by birds and any other wildlife.

2.10 The applicant shall apply for and obtain a building permit no later than three (3) years from the date of this resolution.

2.11 The applicant shall apply for and obtain a Certificate of Occupancy no later than one (1) year from the issuance of the building permit.

I. VALIDITY OF APPROVAL

If any condition of this resolution is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

DATED: April 26, 2023

cc: Matthew J. Fitzgerald
Phillips Lytle, LLP
One Canalside
125 Main Street
Buffalo, NY 14203-2887

Planning Department
Building Inspector

Mover: Ian Calder-Piedmonte
Seconder: Louis Cortese
Ayes: Samuel Kramer, Ian Calder-Piedmonte, Sharon McCobb, Michael Hansen, Louis Cortese
Recused: Ed Krug
Nay: Randall T. Parsons

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

In the Matter of the Application

**ARTIST STUDIO
APPROVAL**

of

**60 SKIMHAMPTON ROAD ARTIST STUDIO
SCTM #300-189-3-19.1**

ADOPTED: 4 / 26 / 2023

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. TYPE OF APPROVAL SOUGHT:

(a) Artist Studio approval pursuant to Article XI of Chapter 255 (Zoning) of the East Hampton Town Code.

2. USE REQUIRING SPECIAL PERMIT: N/A

3. DESCRIPTION OF PROPOSED WORK: To construct a personal artist studio on the property. The studio will be used for paintings, with the first floor being a designated work and painting space and the basement being used for storage (i.e., paint and painting supplies, large

canvases, etc.). The applicant is additionally proposing a new pervious driveway, a one-story pool cabana/storage, an open-air carport and a new low-nitrogen sanitary system on site.

4. SIZE OF PROPERTY: 54,639 sq. ft. (1.25 acres)

5. OWNER OF PROPERTY: Laurie Munn

6. APPLICANT: Denise R. Schoen, Esq.

7. PROPOSED SITE PLAN: Survey prepared David L. Saskas dated July 16, 2021, last revised on September 13, 2022

8. DATE OF PUBLIC HEARING ON APPLICATION: January 11, 2023

B. PROPERTY LOCATION AND DESCRIPTION

1. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-189-3-19.2

2. STREET LOCATION: 60 Skimhampton Road

3. CONTIGUOUS WATER BODIES: N/A

4. HAMLET OR GEOGRAPHIC AREA: Amagansett

5. SITE DESCRIPTION & EXISTING IMPROVEMENTS: The subject parcel is 54,639 sq. ft. (1.2543 acres) in lot area and is located on Skimhampton Road in Amagansett. It is zoned A: Residence. The property is currently improved with an existing two-story residence with a porch and deck, an existing swimming pool with an attached concrete patio, shed and an existing detached frame garage

6. FILED MAP NAME: N/A

7. FILED MAP NUMBER: N/A

8. DATE OF MAP FILING: N/A

9. BLOCK NUMBER IN FILED MAP: N/A

10. LOT NUMBER IN FILED MAP: N/A

C. ZONING CLASSIFICATION

1. ZONING DISTRICT: A: Residence

2. ZONING OVERLAY DISTRICT: N/A

D. SEQRA REVIEW

1. SEQRA CLASSIFICATION: Type II

2. LEAD AGENCY: N/A

3. DETERMINATION OF SIGNIFICANCE: N/A

4. DATE OF DETERMINATION: N/A

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Pursuant to the inter-municipal agreement between the Town of East Hampton and the County of Suffolk, the subject application does not require referral to the Suffolk County Planning Commission (SCPC).

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 contains all necessary elements of an Artist Studio as enumerated in §255-11-88 of the Town Code.

2. The application meets the standards enumerated for review of Artist Studios in § 255-11-88 of the Town Code.

G. DISPOSITION OF APPLICATION

The application is approved as described herein, subject to any conditions or

modifications specified in § H below.

1. TYPE OF APPROVAL GRANTED:

(a) Artist Studio approval pursuant to Article XI of Chapter 255 of the Town Code.

2. NATURE OF APPROVED USE: Artist Studio

3. DESCRIPTION OF APPROVED WORK: To construct a personal artist studio on the property. The studio will be used for paintings, with the first floor being a designated work and painting space and the basement being used for storage (i.e., paint and painting supplies, large canvases, etc.).

H. CONDITIONS OF APPROVAL

The approval hereby granted is contingent upon full compliance with the conditions set forth in this section. The property may not be used except in accordance with this conditional approval, and all improvements shall be made, built, or installed in accordance with the plans described below.

1. APPROVED SITE PLAN: Survey prepared David L. Saskas dated July 16, 2021, last revised on September 13, 2022

2. APPROVED BUILDING OR CONSTRUCTION PLANS: Set of plans prepared by Jason A. Pontier dated August 9, 2022; (Cover Sheet); (Sheet A-001 Code Sheet); (Sheet A-002 Door / Window Schedule); (Sheet A-100 Proposed Floor Plans); (Sheet A-101 Proposed Roof Plan); (Sheet A-200 Proposed Elevations); (Sheet A-300 Proposed Sections); (Sheet E-100 Electrical Plans); (SheetS-100 Structural Plans); (Sheet S-101 Roof Structural Plans)

3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

3.1 No building permits may issue, nor may clearing, grading, or construction activities with the exception of those necessary to re-vegetate the property in accordance with the approved plan shall be commenced, until and unless the conditions enumerated in sub § 3.2 below has been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall agree to the Artist's Studio Declaration in pursuant to Article XI of Chapter 255 of the Town Code. The applicant shall record the Artist Studio Declaration at the Office of the Suffolk County Clerk, and shall return three (3) copies, with proof of recordation shown thereon, to the Town Clerk before building permits will be issued.

3.3 No bath, shower, toilet, or other plumbing, excluding a slop sink, is permitted and will not contain any kitchen appliances, but may have a microwave and coffee maker.

3.4 No hazardous materials or chemicals shall be disposed in any slop sink.

3.5 No outdoor storage of art works on the property shall be permitted.

3.6 The artist studio shall meet the general lighting standards of Chapter 255-1-83 of the Town Code.

3.7 No Certificate of Occupancy shall be issued for this site or for the improvements thereon until and unless all of the foregoing conditions have been met.

3.8 The applicant shall apply for and obtain a building permit no later than three (3) years from the date of this resolution.

3.9 The applicant shall apply for and obtain a Certificate of Occupancy no later than four (4) years from the date of this resolution.

I. VALIDITY OF APPROVAL

If any condition of this resolution is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

DATED: April 26, 2023

cc: Denise R. Schoen, ESQ.
Miller Group, P.C.
Main Street, Suite 7
P.O. Box 1947
Bridgehampton, NY 11932

Planning Department
Building Inspector

Mover: Louis Cortese
Seconded: Michael Hansen
Ayes: Samuel Kramer, Ian Calder-Piedmonte, Sharon McCobb, Randall T. Parsons,
Michael Hansen, Louis Cortese, Ed Krug

Chair Kramer announces Assistant Director Schantz's last meeting and promotion to Director of Housing and Community Development.

Upon motion duly made and seconded the meeting was adjourned at 8:05 PM.