

# PLANNING BOARD MEETING

May 2, 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, Planner Eric Schantz, Counsel John Jilnicki, Secretary Jodi Walker, and several other interested persons.

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

## **WORK SESSION:**

### **1. FOUR OAKS BUILDING #1 – SECOND FLOOR APARTMENT SITE PLAN SCTM #300-5-5-7**

Assistant Director Pahwul gives an overview and presents plans. The applicant agrees to contact Kim Shaw, Natural Resources Director, regarding the feasibility of installing a permeable reactive barrier. The applicant states that the lights will be operated manually and turned on at the start of business and turned off within an hour of business closure in the evening. The application is ready to be scheduled for public hearing.

### **2. ELMWOOD APARTMENT SITE PLAN SCTM #300-49-6-7**

Planner Schantz gives an overview and presents plans. The application is ready to be scheduled for public hearing. The applicant should address the town engineer's comments.

## **OTHER:**

### **58 CROSS HIGHWAY ROAD ABANDONMENT SCTM #300-151-1-12/151-2-3**

Director Wolffsohn gives an overview and presents plans. The applicant agrees to a trail easement granting public access. A determination has to be made whether it is a town road or a paper road.

## **PUBLIC HEARINGS:**

### **DITMER MINOR SUBDIVISION SCTM #300-136-6-1.1, 2.1, 4, 5**

Member Calder-Piedmonte reads public hearing notice. Assistant Director Pahwul gives an overview and presents plans. Deborah Lyons, neighbor, has concerns regarding wildlife and destroying the land. Laurie Wiltshire, agent for the applicant, states that the parcels contain building envelopes that exclude slopes and protect mountain laurel. A motion is made to close hearing, seconded and approved.

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

Member Patti Leber reads public hearing notice. Assistant Director Pahwul gives an overview and presents plans. David Gilmartin, attorney for the applicant, states that the project is in an Affordable Housing Overlay district, the board granted negative declaration pursuant to SEQRA, and the project fits all zoning aspects. Daniella Raven, architect, gives an overview regarding the design aspects of the project. George Dempsey, MD, speaks in support of the project and how necessary the project is to the town. Kevin McAllister, Defend H2O, supports the proposed waste water treatment system. Lisa, Amagansett resident, addresses the need for affordable housing in the community. Patricia Hope, science teacher, talks about the different types of sewage treatment systems. Richard Whalen, Amagansett resident, speaks of the need for affordable housing and the loss of local families. Caroline Cashin reads a letter into the record that states the benefits of permanent housing. Matthew Feyh, resident, supports the project. Tom Ruhle, Office

of Housing and Community Development, states that the 1984 Comprehensive Plan identifies the parcel as Affordable Housing Overlay. He distributes a fact sheet on fair housing. Zach Cohen, Amagansett resident, feels the project is an opportunity to preserve the community. Pamela Bicket, speaks in support of the project and would like to see ten more. Katie Casey, Housing Authority, asks to close the hearing. A motion is made to close hearing, seconded and approved.

**3. MONTAUK PLAYHOUSE COMMUNITY CENTER SITE PLAN  
SCTM #300-16-2-15**

Planner Schantz gives an overview and presents plans. The board finds the amount of parking and design of the parking lots to be acceptable. The proposed additional landscaping is sufficient. The board will seek a determination regarding required sanitary upgrading.

**4. EAST HAMPTON PODS SITE PLAN  
SCTM #300-191-2-9**

Planner Schantz gives an overview and presents plans. The plans should be revised to illustrate a low nitrogen sanitary system. The application is ready to be scheduled for public hearing. The board has concerns regarding the size of the building.

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

Assistant Director Pahwul gives an overview and presents plans. The applicant should address the town engineer’s comments. The applicant should consider using motion detectors in the parking lot.

**REGULAR MEETING:**

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** **RESOLUTION**  
**of** **AMENDING**  
**APPROVAL**

**WHITE PINE KNOLLS FINAL SUDIVISION  
SCTM #300-113-1-2.03**

**ADOPTED: 5 / 2 / 18**

The Planning Board has reviewed a prior determination of the Board and desires to modify certain provisions of the approval as set forth below. Except as modified herein, the determination is reaffirmed in all respects.

**REQUEST TO MODIFY:** Final subdivision approval granted September 12, 1984 to subdivide a roughly 35 acre property in the A3: Residence zoning district into ten (10) lots with a 50% reserve area and subsequently amended March 8, 2017, and June 14, 2017

**PROPERTY LOCATION:** Old Northwest Road & Old Pine Drive, East Hampton

**PROPOSED AMENDMENT:** To re-locate the building envelope for Lot 3 (SCTM#300-113-1-2.03) from the western portion of the lot to the eastern portion.

**MODIFICATION AS APPROVED:** To change the location of the building envelope to the one shown on the approved survey listed below.

**REASONS SUPPORTING MODIFICATION:** The parcel is zoned A3: Residence and is in the Water Recharge Overlay District (WROD). It is 70,671 sq. ft. in size. It was originally Lot 3 of a 10 lot subdivision; White Pine Knolls, which was granted preliminary subdivision approval by the Planning Board on July 27, 1983 and granted final approval on September 12, 1984. The final map was filed with the County Clerk in 1989. This subdivision was over ~35 acres of land and included a >50% reserve area. Zoning at the time of the filing of the map was the same as today (A3: Residence, WROD).

The property is vacant and the habitat is dominated by the South Fork Pine Barrens. The forest subcategory on this property is a unique remnant of native White Pine forest. It is the only White Pine forest on Long Island and occurs only in the Northwest Woods region of East Hampton. The area is also characterized by a greatly varying topography as areas within the subdivision itself range from 45' AMSL to 95' AMSL.

The parcel is also within a number of specially designated areas. The site is within Suffolk County designated Pine Barrens and the South Fork Special Groundwater Protection Area both Suffolk County designated groundwater protection areas, and falls within Groundwater Management Zone V, as designated by the Suffolk County Department of Health Services.

The White Pine Knolls Subdivision contains both building envelopes for every lot and a condition that as few White Pines (*Pinus strobus*) be removed as possible. The building envelope on this property was situated to the far west end of the lot. However, a building permit was recently issued, and preliminary clearing completed, for a new residence and associated structures in the eastern end of the parcel, outside of the approved building envelope.

It appears based upon past aerial photographs and a site visit that the area where clearing occurred would be the optimal location, with respect to removing the fewest number of White Pines, although these trees are fairly evenly dispersed throughout the entirety of the property. Therefore, the Planning Board does not object to the proposal to re-locate the building envelope and the Natural Resources Department and Planning Department concurred that this was the most appropriate area for new clearing.

Whenever the Planning Board is to vote to amend a previous subdivision approval, a legitimate change of circumstances must first be found. The Board finds that the issuance of the building permit and subsequent clearing on the lot represents a change of circumstance.

**APPROVED PLAN AS MODIFIED:** Survey prepared by Fox land Surveying dated last revised April 17, 2018

**CONDITIONS TO MODIFICATION:** Project limiting fencing shall be installed around the perimeter of the building envelope prior to the issuance of a building permit.

DATED: May 2, 2018

cc: Steven Garten  
15 Richmond Avenue  
Jericho, NY 11753

Planning Department  
Building Inspector  
Architectural Review Board

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

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

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**In the Matter of the Application**

**of**

**EXTENSION  
OF TIME**

**BELOW THE BRIDGE  
LOT LINE MODIFICATION**

**SCTM #300-145-3-9.4, 11.1, 12.1, 21.1/145-5-4.1, 14.1**

**ADOPTED: 5 / 2 / 18**

1. By resolution adopted October 28, 2015, and subsequently extended January 11, 2017, and May 17, 2017, (the "Resolution"), the Planning Board granted lot line modification approval to the above-mentioned application, subject to various conditions.

2. By letter dated April 17, 2018, Madeline VenJohn, attorney for the applicant, 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 April 28, 2019.

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

DATED: May 2, 2018

cc: Madeline VenJohn, Esq.  
Tarbet & Lester, PLLC  
132 North Main Street, 1<sup>st</sup> Floor  
East Hampton, NY 11937

Planning Department  
Building Department

Result: Adopted  
Mover: Kathleen Cunningham  
Seconder: Ian Calder-Piedmonte  
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**

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**In the Matter of the Application**

**of**

**EXTENSION  
OF TIME**

**GRAU-WASHINGTON  
SITE PLAN/SPECIAL PERMIT  
SCTM #300-147-3-22, 23, 24, 25**

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**ADOPTED: 5 / 2 / 18**

1. By resolution adopted November 28, 2007, and subsequently extended June 4, 2008, January 14, 2009, May 20, 2009, December 9, 2009, May 26, 2010, November 17, 2010, April 27, 2011, December 7, 2011, May 23, 2012, May 8, 2013, May 21, 2014, June 10, 2015; June 1, 2016, and May 17, 2017, (the "Resolution"), the Planning Board granted site plan/special permit approval to the above-mentioned application, subject to various conditions.

2. By letter dated April 24, 2018, Dru Raley, agent for the applicant, has informed the Planning Board that additional time is needed within which to obtain a building permit 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 within which to obtain a building permit, or until May 28, 2019.

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

DATED: May 2, 2018

cc: Dru Raley  
LPS  
P.O. Box 1313  
East Hampton, NY 11937

Planning Department  
Building Department

Result: Adopted  
Mover: Kathleen Cunningham  
Seconder: Ed Krug  
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**

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**In the Matter of the Application**

**of**

**EXTENSION  
OF TIME**

**EAST BY NORTHEAST  
SITE PLAN  
SCTM #300-52-1-1.2**

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**ADOPTED: 5 / 2 / 18**

1. By resolution adopted June 18, 2008, and subsequently extended January 13, 2010, May 26, 2010, February 2, 2011, June 15, 2011, January 25, 2012, June 27, 2013, and December 16, 2015; (the "Resolution"), the Planning Board granted site plan/special permit approval to the above-mentioned application, subject to various conditions.

2. By letter dated May 1, 2018, Deborah Choron, attorney for the applicant, has informed the Planning Board that additional time is needed within which to obtain a certificate of occupancy 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 retroactively in one (1) year increments to obtain a certificate of occupancy, or until June 8, 2018.

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

DATED: May 2, 2018

cc: Deborah Choron, Esq.  
Matthews, Kirst, Cooley, PLLC  
241 Pantigo Road  
East Hampton, NY 11937

Planning Department  
Building Department

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

Adoption of Minutes: April 18, 2018

Upon motion duly made and seconded the meeting was adjourned at 9:10 PM.