

# PLANNING BOARD MEETING

May 16, 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 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. DITTMER MINOR SUBDIVISION SCTM #300-136-6-1.1, 2.1, 4, 5**

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

### **2. FURTHER COURT MINOR SUBDIVISION MODIFICATION SCTM #300-170-4-23.2, 23.3, 23.4, 23.6**

Assistant Director Pahwul gives an overview and presents plans for Planner Schantz. The board agrees to the requested modification.

### **3. GREATREX MINOR SUBDIVISION SCTM #300-158-2-21.1**

Assistant Director Pahwul gives an overview and presents plans for Planner Schantz. The board agrees to a negative declaration pursuant to SEQRA. The application is ready to be scheduled for public hearing.

### **4. MOBILE GENERATOR SITE PLAN SCTM #300-172-6-4**

Assistant Director Pahwul gives an overview and presents plans. The proposed locations of the generator and propane tank are consistent with the Amagansett Historic District Study recommendations. The board agrees to relax the rear yard setback requirements for the generator from 25' to 10' and for the propane tank from 25' to 15' pursuant of Section 255-6-63 of the East Hampton Town Code. Information related to the dBA levels is acceptable. The board agrees to a negative declaration pursuant to SEQRA. The application is complete and ready to be scheduled for public hearing.

## **PUBLIC HEARING:**

### **COMMUNITY BOAT SHOP SHED SITE PLAN SCTM #300-172-11-20**

Member Leber reads public hearing notice. Victor Earl, Amagansett resident, gives a history of the neighborhood. He objects to the project in its current location. Karen Earl, Amagansett resident, points out who and what has been contributed to preserving the Village of Amagansett. Has concerns regarding the double dunes. She would like an alternate location considered. Ray Hartjen, applicant, states that consideration was given in design and location of the project. A motion is made to close hearing, seconded and approved.

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

Chairman Potter makes a motion to close the public hearing left open for comments from the Natural Resources Director.

Assistant Director Pahwul gives an overview and presents plans. The planning department will review the new submissions.

**6. DAMARK'S DELI ADDITION/APARTMENT SITE PLAN/SPECIAL PERMIT  
MODIFICATION  
SCTM #300-120-2-15**

Assistant Director Pahwul gives an overview and presents plans for Planner Schantz. The applicant should meet with the planner to discuss additional landscaping. The lighting plan should be revised to indicate that the emergency lighting will not be set on timers. The applicant should discuss the emergency/exit lighting with the planning department. Manufacturers' cut sheets should be submitted to the file.

**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**

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**In the Matter of the Application**

**of**

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

**WAIVER OF  
SUBDIVISION  
APPROVAL**

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**ADOPTED:   5   /  16  /  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, 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:** Henry Dittmer
- 3. SIZE OF PROPERTY:** 1.9 acres
- 4. NUMBER OF LOTS PROPOSED:** 2
- 5. SIZE OF PROPOSED RESERVED AREA:** Not proposed
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** N/A
- 7. PREPARER OF PROPOSED MAP:** William R. Simmons 3<sup>rd</sup>, L.S.P.C.
- 8. DATE OF PROPOSED MAP:** February 6, 2018
- 9. DATE OF PUBLIC HEARING ON APPLICATION:** May 2, 2018

**B. PROPERTY LOCATION AND DESCRIPTION**

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-136-6-1.1, 2.1, 4, 5
- 2. STREET LOCATION:** Stephen Hands Path & Park Street
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** Vacant & wooded
- 6. EXISTING FILED MAP NAME:** Cobblers Hill Heights, Section 2
- 7. EXISTING FILED MAP NUMBER:** 284
- 8. FILING DATE OF EXISTING MAP:** September 13, 1911

**9. BLOCK NUMBER IN EXISTING FILED MAP: 20**

**10. LOT NUMBERS IN EXISTING FILED MAP: 1-33**

**C. ZONING CLASSIFICATION**

**1. ZONING DISTRICT:** A Residence/Water Recharge Overlay District

**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:** April 12, 2018

**E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT**

1. Review by the Suffolk County Planning Commission is not required.

2. By memorandum dated August 31, 2016, the East Hampton Fire Department advised that no additional water sources for fire protection are required.

**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:** Dittmer Subwaiver

**2. PREPARER OF APPROVED MAP:** William R. Simmons 3<sup>rd</sup> L.S.P.C.

**3. DATE OF APPROVED MAP:** February 6, 2018

**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. 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 ¶ 3, 5, 10, 18 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 obtain Suffolk County Department of Health Services 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.

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. Lots 1 and 2 shall take driveway access from Park Street in the locations shown on the Map.

8. The Building Inspector shall not issue a Certificate of Occupancy for any construction which may take place on Lots 1 and 2 unless and until access to the said lot or lots from Park Street is in accordance with the terms of this resolution.

9. 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.

10. 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 and 2 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 ¶ 5 above.

11. All buildings and structures on the lots shown on the Map, excepting driveways and utility lines but including all other accessory buildings and structures, shall be confined to the building envelopes shown on the Map. Where the setbacks required by the Zoning Code for certain structures (e.g., swimming pools, tennis courts) necessitate greater setbacks than are shown by the building envelopes, those greater setbacks shall apply.

12. All clearing on the lots shown on the Map shall be confined to the building envelopes shown on the Map except as necessary for installing driveways and utilities.

13. Before the start of clearing, grading, or construction work on any of the lots 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.

14. The area of clearing on any of the lots shown on the Map shall not exceed the area permitted for clearing by the regulations of the Water Recharge overlay district.

15. No buildings or structures, except fences, shall be constructed within ten (10) feet of the

boundary of any scenic easement.

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

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

18. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶ 6, 7, 9, 11, 12, 13, 14, 15, 16, and 17 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 ¶ 3 above.

19. This approval is conditional upon the Applicant applying for and obtaining a modification of the Old Filed Map (Urban Renewal Map) from the Town Board of the Town of East Hampton. Such application shall be made and approved by the Town Board prior to Applicant proceeding with the requirements of paragraphs 3, 5, 10 & 18 hereof.

20. 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, and in no case more than one (1) year from the date of this Determination.

#### **I. VALIDITY OF APPROVAL**

The foregoing constitutes this Board's conditional waiver of subdivision approval for the "Map of Dittmer." 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.

#### **J. RECOMMENDATION TO AMEND OLD FILED MAP STUDY**

This resolution shall constitute the Planning Board's recommendation that the Town Board amend the Old Filed Map Study to reflect the subdivision of URP 18 in Map #284 Cobblers Hill Heights in accordance with the terms of this minor subdivision approval.

DATED: May 16, 2018

cc: Land Planning Services, Ltd  
P.O. Box 1313  
East Hampton, NY 11937

Planning Department  
Building Inspector  
Board of Assessors

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

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**In the Matter of the Application**

of

**SCHEDULE  
PUBLIC HEARING**

**EAST HAMPTON PODS  
SITE PLAN**

**SCTM # 300-191-2-9 ADOPTED: 5 / 16 / 18**

1. Town of East Hampton, owner, in conjunction with East Hampton Dist., LLC, lessee, has made application for site plan approval pursuant to Article VI of Chapter 255 of the East Hampton Town Code, to construct a 43,757 square foot warehouse building along with parking, access, outdoor storage, drainage, lighting and sanitary system. The warehouse would not be accessible to the public as would a "self-storage" facility and is proposed to store Portable On-Demand (POD) storage containers, which would be transported to and from the site. The property contains 108,798 square feet (2.4976 acres) and is located on the north side of Industrial Road, Wainscott and is situated in a Commercial Industrial (CI) 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 #300-191-2-9.

2. Subject application is classified as an Unlisted 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 survey prepared by Barrett, Bonacci & Van Weele, PC, dated July 11, 2017; a set of plans prepared by The Kent Architectural Collaborative, PLLC dated revised December 1, 2017 including: Floor Plan (A1.0) and Concept Exterior Elevations (A2.0); and a set of plans prepared by R & W Engineers, P.C. dated revised February 12, 2018 including: Sheet Title, Existing Conditions & Clearing Plan (SP1.0), Layout & Dimension Plan (SP2.0), Grading & Drainage Plan (SP3.0), Utility Coordination Plan (SP4.0), Landscape & Lighting Plan (SO5.), Erosion & Sediment Control Plan (SP6.0), and Construction Details (DET1.0) 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, June 6, 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: May 16, 2018

cc: Linda Riley, Esq.  
235 Hampton Road  
Southampton, NY 11968

Planning Department  
Building Department  
Architectural Review Board

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

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

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**In the Matter of the Application**

of

**SCHEDULE  
PUBLIC HEARING**

**FOUR OAKS BUILDING #1  
SECOND FLOOR APARTMENT  
SITE PLAN/SPECIAL PERMIT**

**SCTM # 300-5-5-7** ADOPTED: 5 / 16 / 18

1. Nora Franzetti, owner, 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 convert a second-story storage area associated with a first-floor wet retail use to a two bedroom apartment. The site is improved with a building containing four motel units and six freestanding “cottages” and two buildings with wet retail uses. The parcel contains 31,541 square feet (0.724 acre) and is located on the south side of Flamingo Avenue at the corner of Kirk Avenue, Montauk and is situated in a Central Business (CB) 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 #300-5-5-7.

2. Subject application is classified as a Type II 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 survey prepared by James P. Walsh, L.S., dated revised June 14, 2017; a Site Plan (SP-1) prepared by D.B. Bennett, P.E., P.C., dated revised March 19, 2018; Apartment Floor Plan (A-1) prepared by D.B. Bennett, P.E., P.C., dated revised March 20, 2018; and a Second Floor Plan (A-1) prepared by Kyle Ruhs Architect Design dated May 30, 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, June 6, 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: May 16, 2018

cc: Jonathan Tarbet, Esq.  
Tarbet & Lester, PLLC  
132 North Main Street  
East Hampton, NY 11937

Nora Franzetti  
P.O. Box 436  
Montauk, NY 11954

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**

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**In the Matter of the Application**

**SCHEDULE  
PUBLIC HEARING**

of

**ELMWOOD APARTMENT  
SITE PLAN**

**SCTM # 300-49-6-7** **ADOPTED: 5 / 16 / 18**

1. Bill Mavro, owner, has made application for site plan approval pursuant to Article VI of Chapter 255 of the East Hampton Town Code, to construct a second-story owner's apartment over an existing one-story retail store along with reconfigured parking, lighting and landscaping. The property contains 8,151.74 square feet (0.187 acre) and is located on the corner of South Elmwood Avenue and South Edison Street, Montauk and is situated in a Central Business (CB) 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 #300-49-6-7.

2. Subject application is classified as a Type II 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 survey prepared by James P. Walsh, L.S., dated revised April 13, 2018; a set of plans prepared by DiSunno Architecture, P.C., dated revised July 14, 2017 including: Site Plan (A101), First Floor Plan (A202), Second Floor Plan (A203), Elevations (A401), and Elevations (A402); Septic Site Plan (C-1) prepared by TF Engineering, PLLC dated April 13, 2018; Lighting Plan & Landscaping ((L100) prepared by James P. Walsh, L.S., dated revised January 23, 2018 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, June 6, 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: May 16, 2018

cc: Fernando S. Gonzalez  
DiSunno Architecture, PC  
P.O. Box 1567  
Sag Harbor, NY 11963

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

Adoption of Minutes: May 2, 2018

Upon motion duly made and seconded the meeting was adjourned at 9:00 PM.