

# PLANNING BOARD MEETING

June 27, 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. GOSMAN'S ADDITIONS SITE PLAN/SPECIAL PERMIT SCTM #300-6-1-30.1**

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

### **2. OCEANSIDE BEACH RESORT RENOVATION SITE PLAN/SPECIAL PERMIT SCTM #300-47-2-10.1**

Planner Schantz gives an overview and presents plans. The applicant should revise the plans to include the additional low-nitrogen sanitary system. The applicant should submit a revised site plan that depicts all on-site and off-site parking.

## **PUBLIC HEARING:**

### **HOSTWAY INN SITE PLAN MODIFICATION SCTM #300-166-6-2, 3**

Member Leber reads public hearing notice. Counsel states affidavit of service and posting is in order. Assistant Director Pahwul gives an overview and presents plans. Jonathan Tarbet, attorney for the neighbor, has safety concerns regarding the closing of the shared access. He states that a letter has been submitted to the file addressing his concerns. He would like the shared access to continue. He also has concerns with the sanitary system and emergency vehicle access. Laurie Wiltshire, applicant, states that both lots have Suffolk County Department of Health Services approval and curb cuts and emergency vehicle access issues have been addressed. A motion is made to close the hearing, seconded and approved.

### **3. TWIN FORKS MINI STORAGE SITE PLAN SCTM #300-192-3-43.1, 54**

Member Calder-Piedmonte recuses himself.

Assistant Director Pahwul gives an overview and presents plans. The applicant should submit revised elevations for the proposed building that indicates the height and compliance with the Pyramid Law. A narrative regarding the operation of the businesses and number of employees including warehouse employees should be submitted. A revised site plan that depicts the existing and proposed edge of clearing lines and a project limiting fence should be submitted. The board will discuss whether landscaping on the southerly side to buffer the trail should be required after reviewing the proposed clearing line. Additional information regarding lighting including method of control and hours of operation should be submitted. The applicant should submit revised plans that depict storm water pollution measures in the parking lots.

### **4. 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 agrees to a negative declaration pursuant to SEQRA. The applicant should submit detailed information regarding the proposed phases.

**5. BELOW THE BRIDGE INDUSTRIAL PARK SITE PLAN/SPECIAL PERMIT  
SCTM #300-145-3-9.4, 11.1, 12.1, 21.2,/145-5-4.1, 14.1**

Planner Schantz gives an overview and presents plans. The board finds the quantity and configuration of the pens to be acceptable. The board does not find that additional passenger vehicle parking spaces are needed; all parking should be contained within the site. Use of RCA and asphalt as surface materials on Lots 1, 3 and 4 are acceptable. Details about the design of the storage containers should be submitted. Details about the landscaping proposed on Lots 1, 3 and 4 should be submitted. The existing 6' chain link fence is acceptable, however, all street frontage should be stockade fence. Lighting plans for Lots 1, 2, 3 and 4 should be amended as outlined in the planning department memo.

**6. SPERBER OLD FIREPLACE ROAD SITE PLAN/SPECIAL PERMIT  
SCTM #300-123-3-10.1**

Assistant Director Pahwul gives an overview and presents plans. The board agrees to a negative declaration pursuant to SEQRA.

**7. SURF LODGE PROPANE TANK REPLACEMENT SITE PLAN  
SCTM #300-27-3-14**

Planner Schantz gives an overview and presents plans. The application will be ready for approval after the revised site plan is submitted.

**8. BORN FREE OUTDOOR SHOWER SITE PLAN  
SCTM #300-50-2-4, 7.1**

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

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**

**WHITE PINE KNOLLS  
FINAL SUBDIVISION MODIFICATION  
SCTM # 300-113-1-2.3**

**SCHEDULE  
PUBLIC HEARING**

**ADOPTED: 6/ 27/ 18**

1. Stephen and Stephanie Garten, owners, have made application for modification of final subdivision approval pursuant to Chapter 220 (Subdivision of Land) and Chapter 193 (Open Space) of the East Hampton Town Code, to relocate the building envelope for Lot 3 from the western portion of the lot to the eastern portion and/or to modify the covenants and restrictions to allow construction on areas of 15% slopes. The parcel is Lot 3 of a 35.314 acre, 10 lot subdivision. The property is 70,671 square feet and is located on the west side of Old Northwest Highway, East Hampton and is in an A3-Residence/Water Recharge Overlay District 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 #300-113-1-2.3.

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 Fox Land Surveying, dated revised May 30, 2018 is available for inspection at the Planning Board office, 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 July 25, 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: June 27, 2018

cc: Steven Garten  
15 Richmond Avenue  
Jericho, NY 11753

Planning Department  
Building Department

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**

---

**In the Matter of the Application**

of

**EXTENSION  
OF TIME**

**RED TAILED HAWK  
FINAL SUBDIVISION  
SCTM #300-149-2-14**

---

**ADOPTED: 6 / 27 / 18**

1. By resolution adopted August 9, 2017, (the "Resolution"), the Planning Board granted final subdivision approval to the above-mentioned application, subject to various conditions.

2. By letter dated June 22, 2018, Britton Bistran, applicant, has informed the Planning Board that additional time is needed in order meet the conditions of the Planning Board Resolution, 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 year, or until February 9, 2019.

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

DATED: June 27, 2018

cc: Britton Bistran  
P.O. Box 2756  
Amagansett, NY 11930

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**

---

**In the Matter of the Application**

**of**

**SITE PLAN/  
SPECIAL PERMIT  
APPROVAL**

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

---

**ADOPTED: 6 / 27 / 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. 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:** Apartment within commercial structure

**3. DESCRIPTION OF PROPOSED WORK:** The conversion of a second story storage area to a 699 sq. ft., affordable apartment, replacement of one on-site sanitary system, reconfiguration of parking spaces, landscaping and lighting.

**4. SIZE OF PROPERTY:** 31,541 sq. ft. (0.724 acres)

**5. OWNER OF PROPERTY:** Nora Franzetti

**6. APPLICANT:** Nora Franzetti

**7. PROPOSED SITE PLAN:** Site Plan (SP-1) prepared by D.B. Bennett, P.E., dated revised March 19, 2018.

**8. DATE OF PUBLIC HEARING ON APPLICATION:** June 6, 2018

**B. PROPERTY LOCATION AND DESCRIPTION**

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-5-5-7
- 2. STREET LOCATION:** Flamingo Avenue & Kirk Avenue
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** Montauk
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** One, 1 story, frame, structure having 4 rental units; six 1-story, frame, rental units & decking; 2 freezer units; one 2-story, frame, structure containing a retail store on the first floor and storage on the second floor, and a one-story, frame structure containing a retail use.
- 6. FILED MAP NAME:** Sound View Estates
- 7. FILED MAP NUMBER:** 1929
- 8. DATE OF MAP FILING:** June 24, 1952
- 9. BLOCK NUMBER IN FILED MAP:** 2
- 10. LOT NUMBER IN FILED MAP:** 10 & p/o 11 & 12

**C. ZONING CLASSIFICATION**

- 1. ZONING DISTRICT:** Central Business
- 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).
2. By letter dated July 28, 2017, the Fire Marshal informed the Board that the proposed project is adjacent to public water and fire hydrants that provide adequate water supply for firefighting purposes and no additional fire protection devices are needed for this project.
3. The Suffolk County Department of Health Services approved the project on May 11, 2017 by permit number C03-17-0003 and based on a plan prepared by D.B. Bennett, P.E., P.C. dated March 28, 2017.
4. By memorandum dated April 16, 2018, the Town Engineer found the engineering elements of the project to be satisfactory.

**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 an affordable apartment over a store 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 "affordable housing unit," as that definition is used in § 255-1-20 of the Town Code.

#### AFFORDABLE HOUSING UNIT

An apartment, single-family residence or unimproved lot, the cost of which makes it available to a moderate-income family as defined herein, specifically, to be considered an "affordable housing unit," the following limits shall apply:

[Amended 1-20-1989 by L.L. No. 1-1989]

A. Apartment or residence. An affordable apartment or single-family residence shall be one for which:

(1) The maximum monthly rental (excluding utilities) does not exceed 110% of the Fair Market Rent for Existing Housing[1] promulgated for the Nassau-Suffolk, NY HUD Metro FMR Area and published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development, pursuant to Section 8(c)(1) of the United States Housing Act of 1937 [42 U.S.C. § 1437f(c)(1)] and Part 888, Subpart A, Sections 111 — 115, of Title 24, Subtitle B, of the Code of Federal Regulations (24 CFR 888.111-115). Starting the second year, such an affordable apartment or residence is leased and, thereafter, the maximum monthly rental may be adjusted annually in accordance with the Annual Adjustment Factor[2] published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8(c)(2)(A) of the Housing Act [42 U.S.C. § 1437f(c)(2)(A)] and Part 888, Subpart B, Sections 201, 202 and 203(3), of Title 24 of the Code of Federal Regulations [24 CFR 888.201, 202 and 203(3)].

(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 existing nineteen off-street parking spaces 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:** Second story affordable apartment

**3. DESCRIPTION OF APPROVED WORK:** Conversion of a second story storage area associated with a first floor wet retail use to a 669 sq. ft., two bedroom apartment, the upgrade of one on-site sanitary system, reconfiguration of parking spaces, lighting, and landscaping.

#### **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:** Site Plan (SP-1) prepared by D.B. Bennett, P.E., dated revised March 19, 2018.

##### **2. APPROVED BUILDING OR CONSTRUCTION PLANS:**

- Survey prepared by James P. Walsh, L.S., dated revised June 14, 2017;
- Apartment Floor Plan (A-1) prepared by D. B. Bennett, P.E., dated revised March 20, 2018;
- Second Floor Plan (A-1) prepared by Kyle Ruhs Architectural Design, dated May 30, 2017;
- Floor Plans & Elevations (Sheet A-1) prepared by Kyle Ruhs Architectural Design dated May 30, 2017;
- Lighting Plan as depicted on Site Plan (SP-1) prepared by D.B. Bennett, P.E., dated revised March 19, 2018, and amended by letter dated April 27, 2018 to clarify that the commercial exterior lights shall be operated manually and turned on at the start of business, if needed in the early morning, and turned off within an hour of business closure in the evening;
- Landscape Plan as depicted on Site Plan (SP-1) prepared by D.B. Bennett, P.E., dated revised March 19, 2018;
- Sanitary Plan (C-1) prepared by D. B. Bennett, P.E. dated revised March 28, 2017.

##### **3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:**

3.1 No building permits may issue, nor may clearing, grading, or construction activities be commenced, until and unless the conditions enumerated in sub¶ 3.2 and 3.3 below have been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall obtain the final written approval of the Architectural Review Board.

3.3 The applicant shall file with the County Clerk Covenants and Restrictions in a form

acceptable to counsel to this Board that the apartment shall be available to moderate-income families, who are certified as such on an annual basis by the Office of Housing and Community Development, and compliance with the other requirements of §255-5-50 (Apartments in Commercial structures) of the Town Code. A copy of such Covenants and Restrictions with proof of recording shall be provided to the Town Clerk and the Planning Board.

3.4 The accessory apartment shall be made available for moderate income tenants and registered as an affordable apartment in accordance with the procedures provided in §255-11-63 of the Town Code. Proof of registration shall be submitted to the Planning Board and will be required before the granting of a certificate of occupancy.

3.5 The applicant shall perform the parking, access, drainage, and landscaping improvements shown on the approved site plan and approved building or construction plans described above prior to the issuance of a certificate of occupancy.

3.6 All landscaping shall be maintained by the applicant in accordance with the approved site planting plan for so long as the improvements approved as part of this site plan are in use. This requirement shall be a continuing condition of this approval, and the applicant and any successors in interest shall replace and replant the landscaping on the site as may be necessary to satisfy this condition.

3.7 The parking, access, and drainage improvements required by this site plan approval (including any devices for delineating parking spaces or directing traffic flow) shall be maintained by the applicant for so long as the improvements approved as part of this site plan are in use. This requirement shall be a continuing condition of this approval, and the applicant and any successors in interest shall repair, replace, and maintain these improvements as may be necessary to satisfy this condition.

3.8 The applicant shall install all utilities servicing the site including electric, telephone, and, if available, cable television wiring below grade.

3.9 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.

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

3.11 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: June 27, 2018

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

Nora Franzetti  
Planning Department  
Building Inspector  
Architectural Review Board



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

**OCEANSIDE BEACH RESORT RENOVATION SITE PLAN**

**TABLED**

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

---

**In the Matter of the Application**

**of**

**EXTENSION  
OF TIME**

**FENCHEL/MENZER  
SITE PLAN/SPECIAL PERMIT  
SCTM #300-147-4-35**

---

**ADOPTED: 6 / 27 / 18**

1. By resolution adopted January 13, 2010, and subsequently extended July 28, 2010, January 19, 2011, July 27, 2011, February 1, 2012, August 8, 2012, July 24, 2013, August 6, 2014, August 19, 2015, September 28, 2016, and October 4, 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 June 13, 2018, Alicia F. Osborne, 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 July 13, 2019.

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

DATED: June 27, 2018

cc: Alicia F. Osborne  
LPS  
P.O. Box 1313  
East Hampton, NY 11937

Planning Department  
Building Department

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

Adoption of Minutes: June 13, 2018

Upon motion duly made and seconded the meeting was adjourned at 9:30 PM.