

PLANNING BOARD MEETING

August 22, 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, 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. HOME TEAM 668, LLC SITE PLAN MODIFICATION SCTM #300-49-1-12

Counsel Jilnicki gives an overview and presents plans. The applicant should submit a revised site plan that addresses the ADA requirements. The applicant should meet with the town attorney and superintendent of highways regarding the construction of the retaining wall in the right-of-way.

PUBLIC HEARINGS:

GOSMAN'S ADDITIONS SITE PLAN SCTM #300-6-1-30.1

Vice Chair Keeshan reads public hearing notice. Counsel states affidavit of posting and service is in order. Director Wolffsohn gives an overview and presents plans for Assistant Director Pahwul. A motion is made to close hearing, seconded and approved.

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

Vice Chair Keeshan reads public hearing notice. Planner Schantz gives an overview and presents plans. Counsel states affidavit of posting and service is not in order. A motion is made to hold hearing open until September 12, 2018, seconded and approved.

2. ROSS SCHOOL PLAYGROUND AND BARNYARD ANIMAL STUDY CENTER SITE PLAN SCTM #300-156-1-9.2

Planner Schantz gives an overview and presents plans. The board agrees to assume lead agency status. A narrative that describes how the playground and barnyard will function should be submitted. A layout of the barnyard should be submitted. The animal waste containers with concrete pads should be depicted on the site plan. The applicant should consider installing a low nitrogen sanitary system.

3. DRIFTWOOD LOBBY SITE PLAN SCTM #300-110-1-13

Planner Schantz gives an overview and presents plans. The planning department will review the latest submission. Town engineer comments are still outstanding.

4. 5 GOODFRIEND DRIVE SITE PLAN MODIFICATION SCTM #300-181-4-12

Director Pahwul gives an overview and presents plans for Assistant Director Pahwul. The planning department will review the latest submission. Town engineer comments are still outstanding. The board agrees to waive the public hearing requirement.

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

**RESOLUTION
AMENDING
APPROVAL**

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

ADOPTED: 8 / 22 / 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, June 14, 2017 & April 25, 2018

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

PROPOSED AMENDMENT: To revise the covenants and restrictions over the subject parcel.

MODIFICATION AS APPROVED: To remove paragraph #5 of the covenants and restrictions which prohibits construction on areas of 15% or greater slopes.

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. The Planning Board, wishing to minimize further clearing of the mature White Pines and associated vegetation recently approved re-locating the building envelope on this lot to the front (eastern) portion, where clearing has already occurred.

Subsequent to the modification relocating the building envelope, the applicants began excavation for the foundation of a new residence. It was then brought to the attention of the Board that the covenants and restrictions over the lot prohibit construction in areas of greater than 15% slopes.

The area at the front of the property where the new building envelope is situated previously contained areas of greater than 15% slopes, as evidenced by a survey prepared by Fox land Surveying dated last revised May 30, 2018. However, the subsequent excavation of this area has eliminated the natural grade.

Although the Board recognizes that the 15% slopes no longer exist at the present site due to the acts of the applicant, and the Board in no way condones the actions of the applicant in that regard, the impact of further clearing to relocate the building envelope would result in the further destruction of significant white pine growth, and the Board believes the loss of additional white pine forest cannot be adequately mitigated with replanting. As a result, the Board is amending the covenants and restrictions so that construction can occur in the area of the property which has already been cleared and excavated.

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 and excavation on the lot represents a change of circumstance.

APPROVED PLAN AS MODIFIED: N/A

CONDITIONS TO MODIFICATION:

1. Project limiting fencing shall be installed around the perimeter of the building envelope prior to the issuance of a building permit.
2. The applicants shall install a staggered row of evergreen screening along the front of the parcel in order to provide screening for neighboring properties. A plan shall be submitted to the Board and no building permits may be issued or continued until such plan has been found acceptable by the Planning Department.

DATED: August 22, 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, Kathleen Cunningham, Ed Krug

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

In the Matter of the Application

of

**RESOLUTION
AMENDING
APPROVAL**

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

ADOPTED: 8 / 22 / 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: Conditional Final Approval dated March 7, 2018

PROPERTY LOCATION: 131 Town Line Road

PROPOSED AMENDMENT: Eliminate Condition 20 regarding the requirement for a fire-protection easement. Modify the conditions that must be met before the Planning Board Chairman signs the map and the provisions of the declaration of Covenants and Restrictions.

MODIFICATION AS APPROVED: Modify Section H Conditions of Approval to eliminate Condition 20 requiring the filing of a fire protection easement and to correct the conditions necessary for the signing of the map and the filing of the Covenants and Restrictions, and to properly renumber the conditions

H. CONDITIONS OF APPROVAL

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

1. No conveyances may be made of any of the lots shown on the Map (except as part of a conveyance of the entire premises comprising the Map) until and unless the Map has been signed by the Planning Board Chair and recorded at the Office of the Suffolk County Clerk.
2. The Planning Board shall not sign the Map until and unless the applicant has met the conditions contained in ¶12, 16, 18, and 23 below.
3. For the sole purpose of enabling the Planning Board Chair to sign the Map, the applicant shall have satisfied any condition of this approval which requires the applicant to record one or more easements, declarations, or other legal instruments at the Office of the Suffolk County Clerk either **(a)** for easements or other conveyances which must be accepted by the Town Board, whether or not pursuant to the provisions of § 247 of the General Municipal Law, when these easements or other conveyances have been actually accepted by the Town Board, or **(b)** for all

other easements, declarations, or legal instruments, when the form of these easements, declarations, or other instruments has been approved by counsel to this Board.

4. The applicant shall record any and all of the documents referred to in the preceding paragraph at the Office of the Suffolk County Clerk simultaneously with the filing of the Map, and shall return three (3) copies of each such recorded document, with proof of recordation shown thereon, to the Town Clerk before building permits will be issued on any of the lots shown on the Map.

5. The applicant shall perform the access improvements specified on the final map.

6. The applicant shall install fire hydrants as recommended by the Bridgehampton Fire Department, and the same shall be inspected and approved by the Bridgehampton Fire Department prior to the issuance of building permits on any of the lots shown on the Map.

7. The applicant shall install public water to serve the lots shown on the Map.

8. The applicant shall install belowground all utilities servicing the proposed lots, including electric, telephone, and, if available, cable television wiring, in accordance with the requirements of Chapter 220 of the Town Code. Any electric transformers placed, installed, erected, or constructed on this property or on the adjacent highway rights-of-way shall be located below natural grade.

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

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

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

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

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

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

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

16. In order to best effectuate and make permanent the foregoing condition, the applicant shall grant to and have accepted by the Town of East Hampton scenic easements, in standard form acceptable to counsel to this Board, covering the portions of Lots 1, 2, and 3 shown on the Map to

be so encumbered. The applicant shall record these easements with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk in accordance with the provisions of ¶ 4 above.

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

18. In order to best effectuate and make permanent the foregoing condition, the applicant shall grant to and have accepted by the Town of East Hampton an agricultural use easement, in standard form acceptable to counsel to this Board, covering the areas depicted on the Map as "agricultural reserved area." The agricultural easement shall be submitted for review and approval by the Town Attorney and the Planning Board. The applicant shall record this easement with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk in accordance with the provisions of ¶ 4 above.

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

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

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

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

23. The applicant shall prepared and submit a declaration of covenants and restrictions, incorporating the provisions of ¶¶ 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21 and 22 above in standard form acceptable to and approved by Counsel to this Board. The declaration shall provide for its modification or termination only upon the approval of the East Hampton town Planning Board, after a public hearing held on ten (10) days' notice. Said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶4 above.

24. 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.

REASONS SUPPORTING MODIFICATION: A letter dated August 15, 2018 from Anthony Tohill, attorney for the applicant, advising that the Bridge Hampton Board of Fire Commissioners no longer requests the execution of the fire protection easement has been submitted. Therefore, the condition requiring the submission of this easement and the requirement that the declaration of Covenants and Restrictions reflect the fire protection easement should be eliminated. Additionally, several conditions that are necessary to be met before the Planning Board signs the map and included in the declaration of Covenants and Restrictions were inadvertently not included in the approval.

NAME OF APPROVED MAP: Wainscott Holdings LLC Final Plat Sheets 1 & 2, prepared by George Walbridge Surveyors P.C. and dated December 8, 2017

CONDITIONS TO MODIFICATION: As set forth above

DATED: August 22, 2018

cc: Inter-Science Research Associates
Planning Department
Building Inspector

Result: Adopted
Mover: Randall T. Parsons
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

**RESOLUTION
AMENDING APPROVAL**

Of

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

ADOPTED: 8 / 22 / 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: Waiver of Subdivision approval dated May 5, 2018

PROPERTY LOCATION: Stephen Hands Path & Park Street

PROPOSED AMENDMENT: Change date of approved map from February 6, 2018 to July 11, 2018, both prepared by William R. Simmons L.S.P.C..

MODIFICATION AS APPROVED: The approved map shall be dated July 11, 2018 prepared by William R. Simmons L.S.P.C..

REASONS SUPPORTING MODIFICATION: During the filing of the map, it was determined that the block number of the filed map, Map of Cobblers Hill Height, Section 2, Map #284, was inadvertently depicted as Block 20, when the actual block number is Block 19 and the lots as 1.1, 4, 5 & 2.1 when the actual lots are 1.2, 4, 2.1 & 5.1.. The filing date was also inadvertently listed as September 13, 1911 whereas the correct filing date of Map#284 was July 8, 1912. The map has been revised to reflect the correct block and lot numbers and filing date.

APPROVED PLAN AS MODIFIED: July 11, 2018 prepared by William R. Simmons L.S.P.C..

CONDITIONS TO MODIFICATION: N/A

DATED: August 22, 2018

cc: Laurie Wiltshire
Land Planning Service
P.O. Box 1313
East Hampton, NY 11937

Planning Department
Building Inspector

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

**SITE PLAN/
SPECIAL PERMIT
APPROVAL**

of

**GONE FISHING OUTDOOR DINING
SITE PLAN/SPECIAL PERMIT
SCTM#300-6-2-15.1, 27.1**

ADOPTED: 8/ 22/ 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: Substantial expansion of restaurant

3. DESCRIPTION OF PROPOSED WORK: Addition of thirty four outdoor dining seats on a 456 sq. ft. portion of an existing deck, the addition of four indoor bar seats, conversion of a second story apartment to storage space associated with a first floor retail use, reconfiguration of the parking lot for 158 spaces, including six handicapped accessible spaces, upgrade of the lighting on the site to meet the Board's lighting policy and the Town Code, installation of a low nitrogen sanitary system, revegetation, of 9,820 sq. ft., installation of additional drainage structures, and 166 boat slips.

4. SIZE OF PROPERTY: 108,172 sq. ft.

5. OWNER OF PROPERTY: Thomas & Maureen Sennefelder

6. APPLICANT: Joel Halsey

7. PROPOSED SITE PLAN: Site Plan/Survey prepared by James P. Walsh, L.S. dated revised June 4, 2018;

8. DATE OF PUBLIC HEARING ON APPLICATION: June 13, 2018

B. PROPERTY LOCATION AND DESCRIPTION

1. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-6-2-15.1, 27.1

2. STREET LOCATION: West Lake Drive

3. CONTIGUOUS WATER BODIES: Lake Montauk

- 4. HAMLET OR GEOGRAPHIC AREA:** Montauk
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The site is cleared and improved and was granted a special permit for a multiple business complex in 1992. C.O. dated October 16, 1998 - 3,800 sq. ft. boat storage building, a two story building with a marine retail store with an apartment above, a 920 sq. ft. snack bar/restaurant with 16 seats, 720 sq. ft. garage, wood decking and docks with 172 boat slips.
- 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:** Waterfront
- 2. ZONING OVERLAY DISTRICT:** Harbor Protection Overlay

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative declaration
- 4. DATE OF DETERMINATION:** June 28, 2018

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. On August 12, 1992, the Planning Board approved the Gone Fishing Marina Site Plan/Special Permit application for a Multiple Business Complex that included two retail stores, a restaurant/snack bar limited to 16 seats, a second story apartment, a 3,800 sf boat storage and repair building, and a 177 slip marina with 164 parking spaces. A Certificate of Occupancy dated October 16, 1998 listed 172 slips. A subsequent modification of this approval in 1997 revised the roof line of the boat storage building and in 1998 a modification included minor revisions to accessory structures and sheds, walk-in freezers, and walkways, and reduced the number of parking spaces from 168 to 157, based on a reduction in the number of boat slips to 170 as depicted on the approved site plan prepared by William Walsh dated January 1, 1998.
2. 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).
3. By memorandum dated March 2, 2017, November 9, 2017, and February 8, 2018, the Chief Fire Marshal found the information submitted not to be pertinent or relevant to necessitate further review for fire protection purposes.
4. By memorandum dated May 23, 2018, the Town Engineer found the engineering elements of the project to be satisfactory.
5. §255-6-76 of the Town Code allows for a phased site plan approval in which a building permit and certificate of occupancy may be issued for certain improvements before the completion of the entire project.

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 restaurant 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 "restaurant" 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 158 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 and § 255-5-45 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: Changes and improvements to an existing marina with an accessory restaurant

3. DESCRIPTION OF APPROVED WORK: Addition of thirty four outdoor dining seats on a 456 sq. ft. portion of an existing deck, the addition of four indoor bar seats, conversion of a second story apartment to storage space associated with a first floor retail use, reconfiguration of the parking lot for 158 spaces, including six handicapped accessible spaces, upgrade of the lighting on the site to meet the Board’s lighting policy and the Town Code, installation of a low nitrogen sanitary system, revegetation, of 9,820 sq. ft., installation of additional drainage structures, and 166 boat slips.

The approved work shall be allowed to be constructed in the following phases:

Phase I

- Reconfigure the parking lot for 158 spaces, including 6 handicapped accessible spaces;
- Revegetate 9,820 sq. ft. of the property in accordance with the James C. Grimes Landscape Plan dated April 13, 2018;
- Install additional drainage structures on the property in compliance with the originally approved drainage plan and the letter dated May 18, 2018 from Biondo & Hammer;
- Upgrade the lighting on the site in accordance with the Lighting Plan dated April 9, 2018.

Phase II

- Convert the second story apartment into storage;
- 34 outdoor dining seats which would be eligible for a Certificate of Occupancy upon completion of the sanitary system specified above.

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/Survey prepared by James P. Walsh, L.S. dated revised June 4, 2018.

2. APPROVED BUILDING OR CONSTRUCTION PLANS:

- Floor Plans prepared by John E. Barylski, Engineer, dated January 11, 2018, received including First Level Plan (A-01) containing the approved seating plan and Second Level ((A-02);
- Parking Layout (C-1) prepared by TF Engineering, PLLC dated revised June 11, 2018;
- SCDH Septic Site Plan (C-1) dated June 11, 2018 and SCDH Septic Details (C-2) dated June 8, 2018, both prepared by TF Engineering, PLCC.;
- Re-Vegetation Plan (L-01) prepared by James C. Grimes Land Design, Inc. dated revised April 13, 2018;
- Lighting Layout Version 6 Plan prepared by Damin Sales including 5 sheets dated April 9, 2018. The approved lighting plan shall include a letter dated May 22, 2018 from Revco, submitted on behalf of the applicant, that states that the dock lighting is to be controlled with a timer to come on at dusk and off at dawn and the parking lot lighting will be activated with a timer to shut off at 11:00PM and then triggered with a motion sensor;
- Manufacturer’s lighting specification sheet dated received April 12, 2018.

3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

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

3.2 No building permits may be issued nor may clearing, grading, or construction activities be commenced for Phase II until the sanitary system upgrade has been completed and inspected by the Suffolk County Department of Health Services and proof thereof submitted to the Board as enumerated in sub ¶3.4 and 3.5 below.

3.3 A Natural Resources Special Permit shall be obtained for the project.

3.4 The applicant shall revegetate the site in accordance with the approved revegetation plan.

3.5 The applicant shall obtain the approval of the Suffolk County Department of Health Services. A copy of the approved plans, containing an original stamp of approval from that agency, not a photocopy, shall be submitted to the Planning Board.

3.6 The sanitary system shall be upgraded to an alternative low nitrogen sanitary system and inspected by the Suffolk County Department of Health.

3.7 The applicant shall perform the parking, access, drainage, lighting and revegetation improvements shown on the approved plans prior to the issuance of a certificate of occupancy for Phase I.

3.8 The applicant shall perform the improvements described above for Phase II and as shown on the approved floor and building plans prior to the issuance of a certificate of occupancy for Phase II.

3.9 Based on the limitation on available parking and sanitary flow, seating on the deck associated with the restaurant shall be limited to 34 as depicted on the approved seating plan.

3.10 All plantings shall be maintained by the applicant in accordance with the approved revegetation 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 vegetation on the site as may be necessary to satisfy this condition.

3.11 The parking, access, and drainage improvements required by this site plan approval 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. Any future repairs or resurfacing of the parking lot shall utilize quartz gravel, or other materials consistent with Harbor Protection Overlay District standards, poured concrete, hot plant asphalt or rapid-curing. In accordance with the Harbor Protection Overlay District regulation a bluestone surfacing material shall not be permitted.

3.12 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.

3.13 The applicant shall apply for and obtain building permits for Phase I and Phase II no later than three (3) years from the date of this resolution.

3.14 The applicant shall apply for and obtain a Certificate of Occupancy for Phase I and Phase II 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: August 22, 2018

cc: Joel Halsey
Lighthouse Planning
P.O. Box 5030
Montauk, NY 11954

Planning Department
Building Inspector
Architectural Review Board

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

**HOME TEAM 668, LLC SITE PLAN/SPECIAL PERMIT MODIFICATION
TABLED**

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

In the Matter of the Application

of

**RESOLUTION
AMENDING
APPROVAL**

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

ADOPTED: 8 / 22 / 18

The Planning Board has reviewed a prior determination of the Board and desires to modify the second condition of the approval as set forth below. This Resolution replaces the prior Resolution Amending Approval dated 8/8/18.

REQUEST TO MODIFY: Resolution adopted September 11, 2002, granting a site plan approval to construct a 1,345 sq. ft., one-story building containing three motel units and a 1,704 sq. ft. building containing an indoor pool with bathrooms and showers on a 21,944 sq. ft. parcel located on the east side of Montauk Highway. The four (4) parking spaces serving the three units will be constructed on an adjoining lot consisting of 25,009 sq. ft. containing a 3,600 sq. ft., two-story building utilizes as the Dutch Motel.

On September 12, 2012, the approval was modified to delete Condition 3.3 of this approval that required the submission of a revised site plan and landscaping plan depicting the emergency access along the eastern property line relocated to preserve the 36" diameter street tree, together with a letter or other approval from the East Hampton Fire Department for the altered emergency access route.

The site plan prepared by George Walbridge Surveyors, P.C. and dated revised June 22, 2002 remained the approved site plan and the approved landscaping plan prepared by Douglas P. Herlin, Architect and dated revised June 21, 2002 remained the approved landscaping plan.

PROPERTY LOCATION: 490 & 492 Montauk Highway

PROPOSED AMENDMENT:

- Closure of the existing access that is utilized by both sites on the Dutch Motel site and the creation of a new access on the Hostway Inn site;
- Creation of a new parking area with 14 parking spaces on the Hostway Inn site;
- Reorientation of 17 existing parking spaces and the addition of one space on the Dutch Motel site;
- Addition of a dumpster;
- Elimination of the previously approved fire lane consisting of grass pavers;
- Construction of an outdoor pool in place of the indoor pool approved in 2002;
- Construction of a deck in place of the patio approved around the swimming pool;
- Revisions to configuration of walkways;
- Revisions to the approved landscaping plan;
- Revisions to the approved lighting plan;
- Revisions to the approved floor plans and elevation drawings.

MODIFICATION AS APPROVED: As proposed

REASONS SUPPORTING MODIFICATION:

The existing access on the subject Hostway property, 490 Montauk Highway (SCTM#300-166-6-2) is also utilized by a number of businesses located on the parcel to the east, 476 Montauk Highway (SCTM#300-166-6-1). The owner of the subject property states that this has resulted in a number of conflicts between the uses and seeks to eliminate the ability of the adjoining owner to continue to utilize this access. The adjoining owner has not demonstrated a legal right to continue to utilize the access on the subject site.

Closing off the access on the subject Hostway parcel from the adjoining property will result in the necessity for that property owner to create a second access on that lot for proper ingress and egress. The Hostway site consists of two parcels, 490 & 492 Montauk Highway (SCTM#300-166-6-2 & 3) that are to share a joint access. Moving the access to the subject Hostway parcels to the easterly parcel (SCTM#300-166-6-3) will better facilitate the creation of a second access for 476 Montauk Highway (SCTM#300-166-6-1) by increasing the distance between the two access points and further separating potential conflict points.

By memo dated May 18, 2018, the Town Engineer found the engineering elements to be satisfactory subject to the change of the asphalt detail. The Grading and Drainage Plan (C-1) prepared by TF Engineering, PLLC dated June 6, 2018 was revised to address this.

By memo dated March 7, 2018, the Chief Fire Marshal found that further review for fire protection purposes was not required.

APPROVED PLAN AS MODIFIED:

- Site plan prepared by George Walbridge Surveyors dated revised April 18, 2018;
- Grading & Drainage Plan (C-1) prepared by TF Engineering, PLLC dated revised June 9, 2018;
- Cottages-Floor Plan & Elevations (A-101) sealed by David Rhoades and dated received May 4, 2018;
- Pool House-Floor Plan & Elevations (A-103) sealed by David Rhoades and dated received May 4, 2018;
- Landscape Plan (Sheet 1) prepared by Marders dated revised June 11, 2018;
- Landscape Lighting Plan prepared by Hamptons Landscape Lighting dated April 10, 2018 and received on June 20, 2018;
- Footcandle chart prepared by Hamptons Landscape Lighting dated June 11, 2018;
- Lighting Specifications dated received June 20, 2018.

CONDITIONS TO MODIFICATION:

- Obtaining a curb cut permit and approval from the New York State Department of Transportation for the landscaping proposed to be planted in the right of way of Montauk Highway as screening and the continued maintenance of this screening unless otherwise prohibited by the NYSDOT.

- Providing, in a form acceptable to counsel to this Board, a cross access easement providing each of the Hostway parcels (SCTM #300-166-6-2 & 3) with rights of ingress, egress and cross access for purposes of vehicular access and parking. A recorded copy of such cross access easement shall be provided to the Planning Board prior to the issuance of a Certificate of Occupancy

DATED: August 22, 2018

cc: Land Planning Services, LTD
PO Box 1313
East Hampton, NY 11937

Planning Department
Building Inspector

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

Adoption of Minutes: August 8, 2018

Upon motion duly made and seconded the meeting was adjourned at 8:35 PM.