

PLANNING BOARD MEETING

August 23, 2023

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

Via zoom: Randall T. Parsons

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

PUBLIC HEARING:

219/221 PANTIGO ROAD SITE PLAN SCTM #300-189-1-4

Chair Kramer reads public hearing notice. Counsel states affidavit of posting and service is in order. Planner Vavilis LaGarenne gives an overview. Lorraine Bonaventura, Spring Close Lane resident, has concerns regarding impact to the neighborhood and parking concerns. Jaine Mehring, Amagansett resident, supports the project. She states that the positive aspects are the fact that they are an established business and will provide employee housing. A motion is made to close, seconded and approved.

WORK SESSION:

1. 395 PANTIGO ROAD FINAL SUBDIVISION SCTM #00-189-1-4

Assistant Director Vavilis LaGarenne gives an overview and presents plans. The board would like to see the trees preserved in the reserved area and adjacent to the roadway and rights-of ways. The board will not require sidewalks. The applicant agrees to follow the requirements for construction protocol as per NYSDEC guidelines to protect the long-eared bat; the guidelines will be confirmed during the final subdivision process. The board would like the language in the access easement to allow for trail access in the proposed reserved area.

2. ROSS ATHLETIC FENCE SITE PLAN SCTM #300-156-1-9.2

Assistant Director Vavilis LaGarenne gives an overview and presents plans. The application can proceed as a minor site plan. The applicant states that they will submit a revised site plan that depicts a meandering fence that will reduce the need for clearing.

3. BAYBERRY ESTATES PRELIMINARY SUBDIVISION SCTM #300-155-1-25

Assistant Director Vavilis LaGarenne gives an overview and presents plans. The board agrees to assume lead agency status pursuant to SEQRA. The board finds the yield map to be acceptable. The board finds the proposed layout, size, and configuration of the reserved area acceptable on the proposed preliminary map. Building envelopes should be depicted on the preliminary and final maps to ensure the areas of 20% or greater slopes are protected and the Planning Board's decision will ensure it is clear that the envelopes are intended for this purpose. The applicant states that the reserve area will be dedicated to the Town. Language in the access easement should signal the Planning Board's support for trails in the reserve area. The applicant states a common driveway is proposed for the project. The applicant should address the items need for the preliminary map as noted in the Planning Department report. The applicant should add an airport easement map notation and Covenants and Restrictions must be recorded on the property to reflect this easement. The applicant should comply with the Fire Marshal comments. It is permissible for the existing test hole location to be sued for the proposed well for Lot

1 if Suffolk County Department of Health Services conditions are met.

REGULAR MEETING:

By motions made, seconded, the following resolution was 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**

**MONROE/OSBORNE
MINOR SUBDIVISION
SCTM# 300-93-2-7.2**

ADOPTED: 8 / 23 / 2023

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: Resolution adopted pursuant § 220 (Subdivision of Land) of the East Hampton Town Code on July 10, 1974 granting a subdivision and allowing an existing driveway to remain, which was amended in January 14, 1976 to require a common access.

PROPERTY LOCATION: 116 Three Mile Harbor Hog Creek Highway, Springs

PROPOSED AMENDMENT: Modifying the approvals to allow the originally approved (1974) existing driveway to remain.

MODIFICATION AS APPROVED: The approved map is modified to reflect the date in the “approved plans as modified” below.

REASONS SUPPORTING MODIFICATION: The modification is granted in recognition of the change in circumstances related to Town standards for allowable driveway grade. The allowable maximum grade of driveways at the time of the original subdivision approval was up to 15%. The present day standard maximum grade is 12%. The January 16, 1976 common driveway does not meet current code requirements whereas the 1974 original driveway does meet current code requirements. Approval is granted to allow the original driveway to remain.

APPROVED PLAN AS MODIFIED: Survey prints prepared by Steven Barylski, L.S. dated last revised June 27, 2023; received 06/28/23.

CONDITIONS TO MODIFICATION:

- The applicant shall submit a final survey showing the abandonment of the common access driveway to the Planning Board prior to an updated CO being issued for the property.

DATED: August 23, 2023

cc: Richard Whalen, Esq.
Whalen Filer, PLLC
P.O Box 2759
Amagansett, NY 11930

Planning Department
Building Inspector
Board of Assessors

Mover: Michael Hansen

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

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

In the Matter of the Application

**MINOR SITE PLAN
APPROVAL**

of

**404 MONTAUK HIGHWAY
SITE PLAN
SCTM #300-189-1-6.1**

ADOPTED: 8 / 23 / 2023

FINDINGS AND DETERMINATION OF THE BOARD

The findings of fact, conclusions, and determination set forth herein are made after consideration of the application, any presentations, memoranda or correspondence made or submitted to the Board by staff or interested parties, comments taken at any public hearing on the application, and inspection of the subject property.

A. PROJECT DESCRIPTION

- 1. TYPE OF APPROVAL SOUGHT:** Site plan approval pursuant to Article VI of Chapter 255 (Zoning) of the East Hampton Town Code.
- 2. USE REQUIRING SPECIAL PERMIT:** N/A
- 3. DESCRIPTION OF PROPOSED WORK:** To construct a refuse enclosure (8 ft. 10 in. wide, 10 ft. 6 in. long and 9 ft. 7 in. high) on an existing concrete pad.
- 4. SIZE OF PROPERTY:** 23,949 sq. ft.
- 5. OWNER OF PROPERTY:** Young Real Estate Holdings LLC
- 6. APPLICANT:** Young Real Estate Holdings LLC
- 7. PROPOSED SITE PLAN:** Survey prepared David L. Saskas dated February 1, 2016 last revised on May 10, 2023
- 8. DATE OF PUBLIC HEARING ON APPLICATION:** N/A. Minor Site plan.

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-189-1-6.1
- 2. STREET LOCATION:** 404 Montauk Highway
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The property has frontage on both Montauk Highway and Skimhampton Road. A two-story retail building totaling 2,515 sq. ft. of gross floor area, garage with a second-story apartment, parking area, sanitary system, lighting, landscaping and drainage control structures are present on site.
- 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:** Neighborhood 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 memo dated July 3, 2023 the Office of Fire Prevention stated that no further information was 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 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.

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:** Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.
2. **NATURE OF APPROVED USE:** Retail & Apartment with refuse enclosure
3. **DESCRIPTION OF APPROVED WORK:** To construct a refuse enclosure (8 ft. 10 in. wide, 10 ft. 6 in. long and 9 ft. 7 in. high) on an existing concrete pad.

H. CONDITIONS OF APPROVAL

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

1. **APPROVED SITE PLAN:** Survey prepared David L. Saskas dated February 1, 2016 last revised on May 10, 2023
2. **APPROVED BUILDING OR CONSTRUCTION PLANS:** Refuse enclosure rendering and specifications received on June 9, 2023
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 condition enumerated in sub¶ 3.2, below has been met, as evidenced by the report of the Planning Board Chair.
 - 3.2 The applicant shall obtain final approval of the Architectural Review Board

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

3.4 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: August 23, 2023

cc: Young Real Estate Holdings
PO Box 2756
Amagansett, NY 11930

Planning Department
Building Inspector
Architectural Review Board

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

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

In the Matter of the Application

of

**RESOLUTION
AMENDING
APPROVAL**

**THE COOKERY CYN AND TRUDY
SITE PLAN
SCTM #300-162-1-12.1**

ADOPTED: 8 / 23 / 2023

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: Resolution adopted May 17, 2023 granting site plan approval.

PROPERTY LOCATION: 83 Springs Fireplace Road

PROPOSED AMENDMENT: To modify a site plan approval to correct the name of the preparer of the approved site plan.

MODIFICATION AS APPROVED: There are no plan modifications proposed. This amended approval corrects an error in the original approval which listed the wrong name of the preparer of the approved map.

REASONS SUPPORTING MODIFICATION: The modification is an error correction.

APPROVED PLAN AS MODIFIED:

1. **APPROVED SITE PLAN:** Survey prepared by George Walbridge Surveyors,

P.C., dated last revised March 23, 2023.

**2. APPROVED BUILDING OR CONSTRUCTION PLANS: No other changes.
CONDITIONS TO MODIFICATION:**

- N/A.

DATED: August 23, 2023

cc: Cynthia Sestito
83 Springs Fireplace Road
East Hampton, NY 11937

Planning Department
Building Inspector
Architectural Review Board

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

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

In the Matter of the Application

of

**EXTENSION
OF TIME**

**FLAMINGO BUSINESS OFFICES
(BUSTAMANTE)
SITE PLAN
SCTM #300-16-2-25**

ADOPTED: 8 / 23 / 2023

1. By resolution adopted March 24, 2004, and subsequently extended April 14, 2004, November 10, 2004, June 9, 2005, September 28, 2005, and August 23, 2006; (the "Resolution"), the Planning Board granted site plan approval to the above-mentioned application, subject to various conditions.

2. By form dated received August 18, 2023, Jonathan Miceli, owner, 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 within which to obtain a certificate of occupancy, or until September 26, 2024.

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

DATED: August 23, 2023

cc: Jonathan Miceli
152 Essex Street
Montauk, NY 11954

Planning Department
Building Department

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

Upon motion duly made and seconded the meeting was adjourned at 8:30 PM.