

WAINSCOTT CITIZENS ADVISORY COMMITTEE



Wainscott Citizens Advisory Committee (WCAC)
Meeting of November 3, 2018

Member Attendance:

José Arandia, WCAC Co-Chair Emeritus
Frank Dalene
Dennis D'Andrea, WCAC Chair Emeritus
Virginia Edwards
Barry Frankel, Co-Chair
Michael Hansen
Cindy Herbst
Carolyn Logan Gluck
Bruce Solomon
Phil Young

Excused Absences:

Susan Macy, Co-Chair
Rick Del Mastro, WCAC Chair Emeritus
Sally Sunshine

Elected Officials:

Jeff Bragman, Town Councilman, Liaison to WCAC
Susan McGraw Keber, EH Democratic Committee, ED#7 Representative, East
Hampton Town Trustee

Members of the Public:

Julie Burmeister, Bridgehampton CAC
Lynn Cronin
Lori Anne Czepiel
Mark Evans
Howard Fine
Bruce Frankel
Averill Geus

Si Kinsella
Anthony Liberatore
Daniel Osborn
Mary Petrie
Stanley Redlus
Abbie Richman
Susan Sampson
Lisa Solomon
Mitch Solomon
Elizabeth Vespe, East Hampton Press
Jane Weigley

Minutes

The October 6, 2018 minutes were approved.

Liaison Report

Councilman Bragman opened with an account of the vigil held on Thursday to mourn victims of the Pittsburgh synagogue shooting. The turn-out was impressive and the vigil itself somber but uplifting. Member D'Andrea who also attended added that a member of the Squirrel Hill Synagogue had been his shipmate and had sent photos of the vigil held there.

Water

Installation of water mains in Wainscott is 81% complete, according to Jeff Szabo. Co-Chair Frankel added that the question of repaving has been clarified. If roads were paved before water mains were laid, then they will be repaved, even if they are private roads. Unpaved roads would be returned to their dirt/gravel state.

Hamlet Study

Councilman Bragman, in consultation with Town Attorney John Jilnicki and Planning Director Marguerite Wolffsohn, has looked into the question of extending the moratorium so it would be aligned with the approvals coming from the Wainscott hamlet study. Discussions are not yet finalized but there is a sense that it is no longer imperative to extend the moratorium. The reasoning is that the NY State Environmental Quality Review Act (SEQRA) requires extensive procedures to be followed when a positive declaration is made for a proposed site plan. Preparation of a required Environmental Impact Statement would take as long or longer than an extension to the moratorium. In the case of the Pit, the EIS certainly will not be complete by June 2019.

Apropos the Pit, Member Arandia reported that the Planning Board reviewed the revised Environmental Assessment Form (EAF) for the proposed subdivision at its November 24th meeting to include additional possible impacts. A positive declaration is all but certain.

Member Hansen raised the question of the Town's purchasing the Pit in its entirety. It was noted there needs to be a willing seller if the CPF is to be used and the example of the State's condemnation and acquisition of Barcelona Neck against the wishes of its owner who wanted to develop the property was mentioned. That appraisal remains the largest condemnation appraisal in NY State history.

Co-Chair Frankel noted that the Pit is but one component of the hamlet study and asked what would be the timeline for implementing zoning changes. The Councilman replied that it would take a long time since changes have to be directed at a broad group of property owners. However, in every instance, the operative event is Planning Board approval of a site plan. Where there is a positive declaration under SEQRA, this approval cannot be given.

Councilman Bragman has been in contact with Eric Obrecht at the NYS DEC regarding the status of the DEC's investigation of the Pit as a possible superfund site. A determination has not yet been made. There is some question regarding the objectivity of the Pit having submitted testing from a consultant used for the Sand Land site, also owned by the same owners.

Member Arandia cautioned that the hamlet study has an impact beyond the redevelopment of the Pit. Time to develop guidelines as to how new buildings should look, set backs, etc. also justify extending the moratorium. Councilman Bragman asked for a list of sites of concern. Member Arandia will put this together.

Finally, Member Young reminded all present that the Board must consider all rights of the community business owners. In his view, some recommendations for rezoning in the hamlet study would represent an unconstitutional taking of property. Extending the moratorium might give business owners time to change present uses. Councilman Bragman clarified that property owners do not have a vested right in zoning. Zoning codes can change and property owners can maintain preexisting uses.

Co-chair Frankel concluded that time is of the essence and the opportunity to stop development inconsistent with the Wainscott community wishes should not be missed.

Scenic Vistas

The agricultural, scenic, and other easements on properties in Wainscott are being assembled. The basis to enact legislation to enforce the scenic aspect of an easement needs to be reviewed with the town attorney. It seems that in most, if not all cases, Section 247 of the General Municipal Law, enacted to allow municipalities to preserve open space, is always referenced and this could be a place to start. The Planning Board is apolitical but the Town Board can intervene if necessary.

Member Arandia reported that the site plan for 55 Town Line Road was reviewed at the November 14th Planning Board meeting and that there are indications that the

interpretation of the agricultural easement on the property will be considered. The Board agreed that a scenic vista is part of an agricultural easement and that a portion of the landscaping along Town Line Road might have to be removed in order to bring the property into compliance with the agricultural easement.

Member Kinsella added that the property northeast of the intersection of Town Line Road and Wainscott Main Street also will be in violation of its agricultural easement once the Leyland cypresses planted along the edge of the property mature.

Beach Lane Safety

Member of the public Jane Weigley read a letter from Tim Miller, lifeguard for the Georgica Association, recounting ocean rescues he and his colleagues were called upon to make at Beach Lane on July 28, 2018. A “How to beat the grip of the rip” sign has been installed at the entrance to the beach. However, it is suggested a sign indicating “No Lifeguard on Duty” be added as well as a ring buoy and rope. Beach Lane cannot be a guarded bathing beach because there are no facilities. Councilman Bragman will follow up with Trustees and Park and Recreation.

Committee Topics

Environmental Sub-Committee

The ESC met on October 26th with representatives of Deepwater Wind and Aram Terchunian of First Coastal. They were assured that Orsted, which has acquired DWW, will honor all DWW’s commitments. The exposed cable at Block Island, installed by PSEG not DWW, used trenching not HDD and was installed at too shallow a depth. The proposed cable at Beach Lane will be installed using horizontal directional drilling (HDD) 30’ below the mean low water mark and within the glacial till headland. It will emerge 1750’ out from the MLWM. The cable will be AC not DC and will run through a high-density plastic conduit. Aram Terchunian believes the erosion at Beach Lane formerly was 3-4 ft./year. Now, after the Sagaponack Beach enrichment project, he believes it is 1 ft./year. Archeological resources mentioned in recent press refer to the proposed Napeague cable landing (now ruled out), not Hither Hills, the alternative to Beach Lane.

A scoping session for public comment on the Construction and Operations Plan submitted by DWW to BOEM will take place on October 19 from 5-8pm at the American Legion in Amagansett.

Member of the public Kinsella stated his concern that DWW will install 15 turbines of greater voltage than originally announced thereby doubling the South Fork Wind Farm capacity from 90 MW to 180 MW. The COP specifies an export cable that is “either 138 kV or 230 kV” and duct banks that can accommodate up to two 3-phase circuits. In addition, the COP contains specifications for the installation of 20 large “vaults” to be constructed underground along the cable route, 4 of which would be along Beach Lane. There is a question of whether this would necessitate road closures and problematic access for emergency vehicles during construction.

According to Councilman Bragman, the question of who controls the site is one of the subjects being negotiated as part of the Town's easement agreement. In its present form, emergency provisions seem to let DWW take control of the site. Member Dalene pointed out that the PPA is the governing document and specifies there will be only one cable and 90 MW of energy generated. Councilman Bragman will follow up on the question of whether it is theoretically possibility for more power to be brought in through Wainscott as well as whether or not all vaults will be used for maintenance. Wainscott should not become a utility hub.

Hamlet Sub-Committee

The question of how to accommodate more affordable housing has been raised in conjunction with the hamlet study. It has been suggested that the WCAC invite Assemblyman Fred Thiele to one of its meetings to address this topic as well as others: the possible acquisition of the Pit by the Town, a RR shuttle initiative and a possible Wainscott transportation center. A March date was proposed.

Kevin McDonald, Conservation Project Director for Public Lands, and Bob DeLuca, President, Group for the East End have been invited to the WCAC December meeting to address water quality.

Co-chair Frankel conveyed Member Sunshine's report on Wainscott Green. The sub-committee met with Councilwoman Sylvia Overby and Scott Wilson, Director of Land Acquisition and Management on October 26. Edwina van Gal's concept sketch was discussed as well as funding and a timeline. The CPF can be used for pathways and parking. Additional funding sources include three departments: Building and Grounds, Parks and Building Maintenance, and Recreation. Funds for benches and/or a gazebo are to be raised privately. The concept sketch is to be modified to expand the grassy open area and scale back the parking lot to fit four car spaces and one handicapped space. Wainscott Green is to set the tone and be consistent with the vision of the hamlet study. Options for a sidewalk will be discussed with Steve Lynch, native plants will be sought for transplanting, and parking lot and trail design will be refined. Native grit stone is preferred to wood chips. A PSEG pole on Ardsley Road will need to be dealt with.

Regarding scenic view sheds north of the Highway, attention again was brought by Member Dalene to the 17.3-acre property at 476 Wainscott Northwest Road. The owner is willing to sell but there has been no progress towards its acquisition by the Town. The property is the last vacant parcel and serves as a buffer between South Breeze Drive and Ridge Road. As the site of the old gun club, it also is littered with broken clay pigeons that, in the interest of the environment, are best left undisturbed. Whether the Paumonauk Path runs through or nearby the property needs to be determined.

Airport Sub-Committee

The perimeter fence project has encountered a problem. Installing an 8' high fence at the east side of the airport along Daniel's Hole Road will interfere with planes

landing on the runway that runs along the east/west axis. It has been suggested that the runway be shortened by 350' at the east end and extended the same length at the west end.

Town and Committee Updates

Code Enforcement

Quiet apart from a rental complaint, clearing and water run-off.

Department of Highways

There has been lots of clean-up after the last storm. Bushes obstructing the Wainscott sign on Montauk Highway will be trimmed. Roads will be repaved once water mains are fully installed.

CPF and Planning Department

Only the Pit and 55 Town Line Road as previously discussed.

Building Department

No report

Zoning Board of Appeals

Agendas are not being posted in a timely manner. Previously these were posted four weeks ahead of time. The Board is aware of administrative problems with the ARB and thus also maybe the ZBA. There is no solution yet.

Energy Sustainability Town Advisory Committee

The Energize East Hampton campaign continues. The Solarize East Hampton program just closed. It is not known whether it will be renewed.

Other Business

Co-Chair Frankel suggested having someone serve as a meeting monitor to keep an eye on all agendas posted by town boards and departments, and communicate any business of relevance to the WCAC in as timely a manner as possible.

WCAC agendas and minutes need to be posted on the Town web site. Councilman Bragman will confirm to whom these should be sent.

Wainscott Chapel's Covered Dish Supper will take place Friday, November 9 at 6:00pm. Bring something to share. Desserts and beverages are provided. All are welcome.

Member of the public Avril Geus informed the committee that 5 Wainscott Hollow Road, the childhood home of Dayton Hedges built in the 1830s is at risk of being torn down. Dayton Hedges was a figure of considerable importance to East Hampton and, having made his fortune in Cuba, was a generous benefactor to the Library. Three people have expressed interest in having the historic portion of the house moved to their property. Only one resides in Wainscott. A decision must be

made by Thursday. Wainscott needs historic preservation. It is the only hamlet without a preservation society. Previous efforts have been sidetracked so now is the time to restart the process of creating a Wainscott historic district. Those interested should contact the speaker at: ageus@optonline.net or 631-324-1229.

The meeting was adjourned.

Next meeting:

Saturday, December 1, 2018, 9:00 am, Wainscott Chapel