



Town of East Hampton
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Planning Department
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SUBDIVISION INITIAL EVALUATION
351 Pantigo Road Subwaiver
SCTM#300-189-1-2

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Planner
Date: March 10, 2020

1. APPLICATION INFORMATION:

- A. INFORMATION RECEIVED:** Following received (03/05/2020)
- Cover Letter by David A. Weaver, Walbridge Surveyors dated February 26, 2020
 - Subdivision of Land Application form
 - Survey Map by George Walbridge Surveyors, P.C. dated December 31, 2019.
- B. DATE SUBMITTED:** March 05, 2020
- C. OWNER:** People's United Bank, First National Bank of East Hampton
- D. APPLICANT/AGENT:** David Weaver, Walbridge Surveyors
- E. SCHOOL DISTRICT:** East Hampton
- F. STREET NAME:** 351 Pantigo Road, East Hampton, NY 11937
- G. TYPE OF STREET:** State Highway and Town
- H. ZONING DISTRICT:** A Residence – Limited Business Overlay
- I. SEQRA - TYPE OF ACTION:** Type II
- J. INVOLVED AGENCIES:** N/A
- K. OTHER REVIEW:** Suffolk County Department of Health Services (SCDHS)
- L. WAS PROPERTY PREVIOUSLY SUBDIVIDED:** No
- M. IF YES, DATE OF SUBDIVISION:** N/A

2. DESCRIPTION OF PROJECT

- A. TYPE OF SUBDIVISION PROPOSED:** Minor Subdivision Waiver
- B. TOTAL ACREAGE:** 1.748 Acre
- C. YIELD (NUMBER OF LOTS):** Two (2)
- D. RANGE OF LOT SIZE (SQUARE FEET):** 40,906 sq. ft.
- E. ACRES OF RESERVED AREA:** N/A

- F. ACRES OF SCENIC EASEMENT:** N/A
- G. PERCENT OF RESERVED AREA:** N/A
- H. PERCENT OF TOTAL OPEN SPACE:** N/A
- I. TYPE OF ACCESS PROVIDED:** Two (2) Driveways
- J. LENGTH OF ACCESS:** N/A Both Lots have Frontage
- K. IS SIGHT DISTANCE ACCEPTABLE:** To be determined
- L. IMPROVEMENTS ON SUBJECT PARCEL:** People's United Bank, an ATM and one single family residence.
- M. MOST RECENT CERTIFICATE OF OCCUPANCY:**
10/5/64-C.O. – ERWIN AND ROSE GEIGER- Retail business three-store structure, one single one-story, frame dwelling and one single family, one-story frame dwelling attached garage all erected before the adoption of zoning.

12/22/64- C.O. 3478 & 3544 – FIRST NATIONAL BANK OF EAST HAMPTON- 350 sq. ft. one story addition & 146 sq. ft. interior.

3/8/71- C.O. FIRST NATIONAL BANK OF E. HAMPTON- 1305 sq. ft. first floor & 1305 ft. basement to bank building.

N. VARIANCES REQUIRED: To be determined

- Lot area variance
- Lot coverage variance
- Setback variances for accessory structure

3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 220 (LIST ITEMS & SECTION NUMBER FOR ITEMS NOT SUBMITTED)

- Revised map with Project Title, depicting driveway and clearing in the survey map.
- Existing sanitary system and depth to ground water table need to be shown on the map

4. SITE ANALYSIS

- A. SOIL TYPE:** PsA: Plymouth loamy sand, silty substratum, 0 to 3 percent slopes; BgB: Bridgehampton silt loam. Till substratum, 2 to 6 percent slopes.
- B. FLOOD HAZARD ZONE:** Zone X
- C. DESCRIPTION OF VEGETATION:**
- D. RANGE OF ELEVATIONS:** 34.3-37.8
- E. NATURE OF SLOPES:** Mostly flat
- F. TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Does not contain Tidal Wetlands or Adjacent Areas
- G. SETBACK FROM ANY WETLAND OR WATER BODY:** N/A
- H. ARE THERE TRAILS ON SITE?** No
- I. DEPTH TO WATER TABLE:** Not shown in the map
- J. DISTANCE TO PUBLIC WATER:** 6" Mains at Montauk Highway and 12" Mains at Springs Cross Highway
- K. SOURCE OF WATER SUPPLY:** Public Water
- L. NUMBER OF ACCESS POINTS:** Three
- M. METHOD OF WASTE DISPOSAL:** Individual, standard sanitary systems

- N. DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES? N/A
- O. AGRICULTURAL DATA STATEMENT REQUIRED: N/A
- P. IS THE SITE CONTAINED WITHIN:

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	Yes



Other Background Information:

The application is proposing to subdivide the subject parcel into two lots, situated at the intersection of Pantigo Road and Springs Cross Highway. This is a 1.748 acre or 76,148 square feet property which includes a bank, People's United Bank, and a single family residence. The subject parcel is located in an A Residential District with a Limited Business Overlay (LBO) zone.

The applicant proposes to create a 40,000 square foot lot (Lot 1) and a 36,148 square foot lot (Lot 2). The bank will be on Lot 1 and the house on Lot 2. The proposed lot lots are designed around the existing parking lot and the design results in irregular shaped lots.

Issues for Discussion:

Limited Business Overlay District

§255-2-45 of the Town Code limits the number of uses on a residentially zoned lot to one use. The site is preexisting, nonconforming with regard to the number of uses. In October 1964, a Certificate of occupancy was issued for two, single family, one story residences and a structure with three retail businesses. In December 1964, a subsequent certificate of occupancy was issued for the conversion of the retail spaces into a bank. Aerial photographs in the Town's GIS system show the bank and two residences in 2010 and that one of the residences was eliminated by 2013 and there are now two uses on the parcel.

The purpose of a Limited Business Overlay (LBO) district is to allow for a limited class of low intensity business uses that generate low amounts of traffic and that are designed to function so as to protect nearby residential uses and the residential character of the district. Given the intensity of use of a bank, the use is classified as a prohibited use in an LBO. The proposed subdivision will not impact the preexisting rights to this use.

The Limited Business Overlay District was created in 1984 and extends to a depth of 150' from the Montauk Highway right of way and applies to lots that were in single and separate ownership on the effective date of this section of the Town Code. As currently proposed a small area of the parcel zoned LBO is proposed to be contained within Lot 2, the lot containing the residence, and since this lot was not single and separate in 1984, the LBO in this area will be extinguished.

Irregular Lot Shape

§220-1.06 B (Subdivision Requirements of the Town Code) states that

Lots shall, in general, be rectangular, somewhat deeper than they are wide. All lots shall conform to zoning requirements, and the lot lines generally be at right angles to the street line.

A rectangular shaped lot is again encouraged by the Town Code in §220-1.09, Configuration of Lot Lines.

The proposed lot design would result in irregular shaped lots. The applicant stated that due to the existing use of the bank, the subdivision would require an irregular shaped lot in order to keep all of the bank's use on its own lot. However, it has been the Board's practice not to create irregularly shaped lots. The Planning Board should discuss alternative layouts with the applicants, most notably a rectangular shaped design, moving the dividing lot line towards the north to create a straighter line. The Planning Department notes that a more regular shape would result in the total lot coverage for Lot 1 to decrease, as it is now proposed exceeds the Town Code limit (more discussion below). The applicant is would still be required to request a lot area variance for lot 2, but adjusting the proposed lot lines into a more regular shape would result in eliminating two (2) additional variance request for Lot 1, a side yard setback variance for the accessory structure parking lot use and a total lot coverage variance.

Zoning

The proposed lots do not meet zoning and the proposed subdivision would require several variances from the Zoning Board of Appeals.

Lot Area

The parcels are located in an A-Residence district where the minimum lot size is 40,000 square feet. Lot 1 would contain 40,000 square feet of lot area and would meet zoning. The second lot, Lot 2 would only contain 36,148 square feet and would necessitate a lot area variance. The existing lot area is 76,148 square feet, so subdividing it the parcel into two lots would result in a non-conforming lot size for either one of the lots. Thus, the applicant is required to request a lot area variance from to the Zoning Board of Appeals.

Total Coverage

After the subdivision Lot 1 will have a total coverage of 22,148 square feet (55.37%) whereas the maximum allowed is 16,000 square feet (40%), and Lot 2 2,238 square feet (6.19%), whereas the maximum allowed is 15,999 square feet (40%). The parking spaces and concrete surfaces for the ATM in Lot 1 results in exceeding total coverage. A variance from the total coverage restriction will be necessary for Lot 1.

Accessory Structure Setbacks

§255-11-10 of the Town Code requires a 15' rear yard setback from the property line for accessory structures. The map depicts the existing parking spaces and dumpster on Lot 1 located along the proposed property line, with only a 1' setback in some areas. The dumpster is located right on the property line. As this is a residential zoning district, the Planning Board cannot relax setbacks pursuant to §255-6-63 of the Town Code and setback variances from the ZBA will be required. Adjusting the lots into rectangular shapes as suggested above would allow the dumpster to meet the zoning (roughly 55' from the property line), and would not require setback variance. A setback variance for the parking area would still be required.

Lot Width

§255-11-10 (Residential Dimensional Table) of the Town Code also requires that the lot width at the building line for a lot in an A Residence zoning district be a minimum of 160'. The building line is defined in §255-1-20 as the following.

BUILDING LINE

The line which is parallel or concentric to the street line of the street on which a building fronts, or the edge of any natural body of water if a building is so designated as to front on said body of water, and which passes through the point at which the building is nearest to said street or natural body of water.

As proposed, Lot 2 is 140' wide at the building line and would require an additional variance from the minimum lot width requirement. The location of the parking on the site prevents the proposed lot from meeting this requirement.

The applicant should consider revising the proposed lot line to include all of the area zoned LBO that is not required to meet minimum lot width into Lot 1. This would increase the amount of the lot area variance required for Lot 2, but decrease the amount of the total coverage variance required for Lot 1 containing the bank.

Clearing

The map depicts a clearing line and clearing calculations. However, the vegetation on the site consists of old field vegetation, primarily consisting of mature red Cedar trees, a scattering of Chokecherry, and honeysuckle with no understory. Under §255-1-20 of the Town Code (Definition of Clearing), this lot is considered entirely cleared and review of aerial photographs in the Town's GIS system indicates that the clearing is pre-existing. The clearing line and clearing calculations on the map should be revised to reflect this.

As the parcel is considered cleared under the Town Code, the existing vegetation that acts as a buffer between the proposed commercial and residential lots could be removed. The Board should consider requiring a row of landscaping along the edge of the parking area as a permanent buffer between the two proposed lots.

Map Revisions

- The existing septic systems for the residence and the bank should be indicated on the map to ensure that the location is not impacted by the proposed subdivision.
- The School district and Fire district for the site should be indicated in the map.
- The driveway serving the residence on Lot 2 should be depicted on the site plan and calculated into total coverage, whether improved or not.
- The clearing line and clearing calculations should be revised as discussed above.
- The Limited Business Overlay district line should be depicted on the map.

Suffolk County Department of Health Services (SCDHS)

The proposed minor subdivision will require approval from the Suffolk County Department of Health Services. The applicants are encouraged to submit an application to this agency as soon as possible if they have not done so.

SEQRA

The project is a Type II Action pursuant to SEQRA and Chapter 128 of the Town Code. No further review under SEQRA is required.

Conclusion

In summary, the application is incomplete pending submission of a revised map. Also, the application requires lot area, lot width, total coverage, and rear yard setback variances. As the project does not meet zoning, the Planning Board will not be able to act until and unless the Zoning Board of Appeals grants the variances.

Planning Board Consensus

The Planning Board should consider the proposed layout of the lots and discuss with the applicant whether the layout should be redesigned to provide more regular shaped lots.

Additional comments: _____

The Planning Board should discuss whether landscaping to buffer the parking area on Lot 1 from the residential use on Lot 2 should be proposed.

Additional comments: _____

The Board should determine whether a revised map as outlined above should be submitted.

Additional comments:

Additional Board Comments:
