



TOWN OF EAST HAMPTON

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April 29, 2020

TO: Planning Board

FROM: Fabiha Mubassirah, Planner 

RE: Accabonac Grove Cemetery Expansion 2
SCTM#300-103-2-4.10

Last Review Date: October 17, 2018

Items and Date Received: Revised site plan, dated March 20, 2020 prepared by George Walbridge Surveyors, P.C.

Background Information:

The subject 374,997 square foot parcel is utilized as a cemetery currently containing 1,178 plots. The subject parcel is zoned A5: Residence and is within the Accabonac Harbor Critical Environmental Area. The parcel is part of an oak woodland that is partially cleared of natural vegetation and contains lawn and artificial ponds. It is entirely surrounded by residential property and preserved open space.

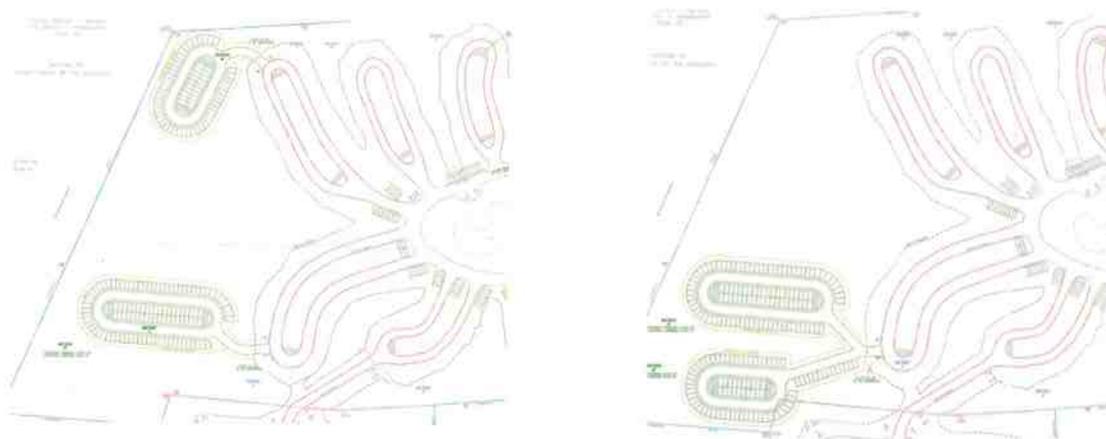
The Planning Board granted a site plan/special permit for a semi-public facility in order to construct a 1,000 plot cemetery on the site in 1991. Given the location of a wetland on the property at the edge of Old Stone Highway, an access easement was obtained over an adjoining parcel. A modification of the approval was granted in 1992 to permit a below grade electric transformer and lawn irrigation system. As part of the Ruth Nivola Section II Subdivision approval in June 2012, 42,675 sq. ft. of land was transferred from the neighboring parcel (SCTM#300-103-2-4.9) to the subject parcel. In 2016, site plan approval was granted for an expansion of the cemetery by adding 182 plots into the area of land transferred.

Application is made for a second expansion to consist of an increase of 369 plots, consisting of 319 standard and 60 cremains plots, with 10 plots to be abandoned, resulting in a total of 1,547 plots. The applicant submitted a revised site plan on March 20, 2020 for the expansion of the cemetery as recommended by Planning Board.

Issues for Discussion:

Proposed new plots

As recommended in the initial review, the two new “finger” shaped areas of plots are proposed to be concentrated in the southwesterly corner, leaving a block of approximately one acre of open space on the parcel. The proposed coverage with the new layout is slightly reduced to 78,007 square feet from 78,894 square feet with previous layout; where a maximum of 80,000 is permitted under zoning. This leaves 1,993 sq. ft. of additional coverage available. The Planning Board should determine if the proposed layout is acceptable.



Previous layout with expansion in north and south west corner of the cemetery; revised layout concentrated on south-westerly corner of the cemetery

Allowable Clearing

The property already exceeds the 80,000 square feet maximum allowable clearing permitted under §255-2-60 of the Town Code. In 2016, the Board approved additional clearing that increased the total clearing from 159,546 square feet to 181,826 square feet at that time. The current proposal would further increase clearing to 206,730 square feet.

§255-2-60 (Residential District Provisions) allows the Planning Board to relax clearing restrictions where the lot area exceeds 280,000 sq. ft. and site plan and special permit approvals are obtained. A copy of the relevant sections of the Town Code are attached for the Board’s review. In last meeting, the Board recommended that the applicant consider providing a scenic easement over the un-cleared portions of the parcel and stated that it would take that into consideration in determining whether to relax the clearing restrictions.

With this submission, the applicant has requested not be required to place a scenic easement over any portion of the property. They would like to preserve the opportunity to expand rather on this property if needed in the future rather than on another property. The applicant has requested to reserve the possibility to consider further expansion on the subject parcel.

Grass Species and Irrigation

At the last work session, it was suggested that the applicant consider planting drought tolerant grasses in the area of the proposed expansion of the cemetery and that a narrative be submitted describing mitigative measures if the irrigation system is to be extended to the subject area. This information has not been provided.

It is to be noted that planting drought tolerant grasses to minimize the need for irrigation and the use of fertilizers was considered as one of the condition of approvals for the Accabonac Grove Site Plan/Special permit, resolution dated October, 21, 1992 and also for the Accabonac Grove Cemetery Expansion Site Plan, resolution dated February, 10, 2016.

A fully programmable sprinkler system was approved in the 1992 modification of the special permit for the cemetery and the cemetery expansion in 2016. The Planning Department recommends using a similar system with soil-moisture and rain sensor devices to avoid unnecessary irrigation. Thus if the sprinkler system is proposed to be further expanded, then a written narrative regarding mitigation associated with this irrigation is required to be submitted.

Archaeology

The Board requested a Stage IA Archaeological Study covering the area of the two new fingers of cemetery expansion previously proposed. This has not been submitted to date. This study should now be prepared for the revised area of plots.

SEQRA

Pursuant to SEQRA and Chapter 128 of the Town Code the proposed project is an Unlisted action. The Architectural Review Board is the only other involved agency. The Planning Board declared to assume lead agency status.

Conclusion

In conclusion, the revised site plan represents a concentrated layout of second expansion of 369 plots as recommended by the Planning Board to preserve a block of open space and the amount of clearing required. The Board should discuss about the applicant’s request regarding scenic easement. The application is otherwise incomplete pending submission of the narrative that describes the type of grass proposed for the lawn, whether the sprinkler system will be extended, and any mitigation measures that are proposed and the archaeological study

Planning Board Consensus

The Board should discuss whether the layout of these additional plots is acceptable.

Additional comments: _____

The Board should discuss the applicant's request to not provide a scenic easement over the open space and whether to relax the clearing restrictions in accordance with §255-2-60 of the Town Code and the general special permit standards attached.

Additional comments: _____

Additional Board Comments:

§ 255-2-60 Residential District Provisions

A. (3) Clearing in excess of 80,000 square feet on any lot in a residence district is prohibited unless the following requirements are met:

- (a) The area of the lot, excluding the area of any flag strip but otherwise determined as set forth in § 255-1-20 hereof, exceeds 280,000 square feet; and
- (b) Site plan approval and a special permit have been obtained first from the Planning Board.

(4) Notwithstanding anything in § 255-2-60A(1) and (3), the Planning Board may approve clearing of total lot area on a lot larger than 80,000 square feet in a residential district as part of a site plan for a special permit use. In the event that the use on such a lot ceases, a condition of any other use shall be revegetation and/or reversion to natural, native vegetation of cleared areas exceeding the applicable limits in § 255-2-60A (1), to the extent feasible without removing buildings, in accordance with a plan approved by the Natural Resources Department.

§255-5-40 General Standards (Special Permits)

No special permit shall be granted unless the issuing board shall specifically find and determine that:

- A. Nature of use. The use proposed will be in harmony with and promote the general purposes of this chapter as the same are set forth in § 255-1-11 hereof.
- 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, particularly where they are in a different district
- D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact 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 definition of the special permit use where such definition exists or with the generally accepted definition of such use where no definition is included in the Code.
- G. Circulation. Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- H. Parking. There is room for creation of off-street parking and truck loading spaces at least in the number required by the applicable provisions of this chapter, but in any case adequate for the actual anticipated number of occupants of the proposed use, whether employees, patrons and visitors; and, further, that the layout of the spaces and related facilities can be made convenient and conducive to safe operation.
- I. Buffering and screening. Adequate buffer yards and screening can and will be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

J. Runoff and waste. Adequate provision can and will be 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 and off the site.

L. Compliance with other laws. The proposed use can and will comply with all provisions of this chapter and of the Code, including Chapters 180 and 185 thereof, 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 general standards for special permit uses in particular districts set forth in § 255-5-45 and also meets all of the specific standards and incorporates all of the specific safeguards required of the particular use, if any, by § 255-5-50