

PLANNING BOARD MEETING

January 15, 2020

Present at meeting: Chair Samuel Kramer, Vice Chair Kathleen Cunningham, Members Louis Cortese, Sharon McCobb and Randall T. Parsons. Also present were Director JoAnne Pahwul, Planner Eric Schantz, Counsel Jameson McWilliams and, Secretary Jodi Walker, and several other interested persons.

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

WORK SESSION:

**1. NEW CINGULAR WIRELESS (AT&T) AT NORTHWEST FIRE STATION
SITE PLAN/SPECIAL PERMIT/PWSF
SCTM #300-135-2-15.2, 19, 34.2**

Planner Schantz gives an overview and presents plans. The board agrees to a negative declaration pursuant to SEQRA.

**2. EAST HAMPTON RETAIL SITE PLAN
SCTM #300-189-1-6.1**

Planner Schantz gives an overview and presents plans. The application will be ready for approval once amended plans are submitted.

**3. EAST HAMPTON PODS SITE PLAN MODIFICATION
SCTM #300-191-2-9**

Planner Schantz gives an overview and presents plans. The proposed changes to drainage control are acceptable. The unimproved portions of the property should be revegetated and a revegetation plan should be submitted. A full set of revised plans should be submitted.

REGULAR MEETING:

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

**SITE PLAN/
SPECIAL PERMIT
APPROVAL**

of

**BELOW THE BRIDGE
INDUSTRIAL PARK**

SITE PLAN/SPECIAL PERMIT

ADOPTED: 1 / 15 / 2020

SCTM#300-145-3-9.4, 11.1, 12.1, 21.1, 22.1/145-5-4.1, 14.1

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: Unlisted non-nuisance industry

3. DESCRIPTION OF PROPOSED WORK: To develop four (4) individual lots. Three (3) of the lots are to contain 39 individual stalls to be rented to contractors for storage. No buildings are proposed on these lots and the only structures will be 4' tall stockade fences to separate the "pens" and 11 steel storage containers. Lot 2 is proposed to be improved with a 7,317 sq. ft. warehouse building for a wholesale building supplies distributor along with parking, landscaping, lighting and related accessory structures.

4. SIZE OF PROPERTY: Total area 169,066 sq. ft.

5. OWNER OF PROPERTY: Below the Bridge Black, LLC, Below the Bridge Gold LLC, Below the Bridge Blue, LLC

6. APPLICANT: Phelan Wolf

7. PROPOSED SITE PLAN: Site Plan (C-1) prepared by TF Engineering, PLLC, dated revised May 23, 2019, Proposed Site Plan (Sheet 1) prepared by Southampton Engineering Services, P.C., dated December 8, 2017

8. DATE OF PUBLIC HEARING ON APPLICATION: November 20, 2019

B. PROPERTY LOCATION AND DESCRIPTION

1. SUFFOLK COUNTY TAX MAP DESIGNATION: SCTM#300-145-3-9.4, 11.1, 12.1, 21.1, 22.1 & 145-5-4.1, 14.1

2. STREET LOCATION: Springs-Fireplace Road, Queen's Lane, King Street

3. CONTIGUOUS WATER BODIES: Not applicable

4. HAMLET OR GEOGRAPHIC AREA: East Hampton

5. SITE DESCRIPTION & EXISTING IMPROVEMENTS: The subject parcels are all zoned CI: Commercial Industrial and are situated off of Springs – Fireplace Road in East Hampton. They range in size from 42,216 sq. ft. to 42,312 sq. ft. All are 100% cleared of naturally – occurring vegetation. All are within the South Fork Special

Groundwater Protection Area.

The property originally consisted of seven (7) individual parcels. A lot line modification which reconfigured and combined these lots to create four (4) lots conforming to the minimum lot size requirement of the CI: Commercial Industrial Zoning District (40,000 sq. f.t) was approved by the Planning Board on October 28, 2015

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:** CI: Commercial Industrial
2. **ZONING OVERLAY DISTRICT:** N/A

D. SEQRA REVIEW

1. **SEQRA CLASSIFICATION:** Unlisted
2. **LEAD AGENCY:** Planning Board
3. **DETERMINATION OF SIGNIFICANCE:** Negative declaration
4. **DATE OF DETERMINATION:** February 8, 2019

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. By letter dated November 14, 2019 the Suffolk County Planning Commission (SCPC) found the proposed project to be a matter for local determination.
2. By memo dated September 11, 2019 the Town Engineer found the engineering elements satisfactory.
3. By memo dated August 15, 2019 the Office of Fire Prevention stated that no further information was required for fire-fighting purposes.

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 wholesale business as well as a non-nuisance industry use 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 is mixed, with the use on Lot 2 conforming to the Town Code definition of “wholesale business” and the definition of the use on Lots 1, 3 & 4 not specifically included in the Code, but most similar to the generally accepted definition of “unlisted non-nuisance industry” use.

(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.

(H) Parking. The 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 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: Wholesale business and non-nuisance industry

3. DESCRIPTION OF APPROVED WORK: To develop four (4) individual lots. Three (3) of the lots are to contain 39 individual stalls to be rented to contractors for storage. No buildings are proposed on these lots and the only structures will be 4' tall stockade fences to separate the "pens" and 11 steel storage containers. Lot 2 is proposed to be improved with a 7,317 sq. ft. warehouse building for a wholesale building supplies distributor along with parking, landscaping, lighting and related accessory structures.

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 (C-1) prepared by TF Engineering, PLLC, dated revised May 23, 2019, Proposed Site Plan (Sheet 1) prepared by Southampton Engineering Services, P.C., dated December 8, 2017

2. APPROVED BUILDING PLANS: A set of plans prepared by TF Engineering, PLLC, dated revised May 23, 2019 including: Site Plan (C-1), Grading and Drainage Plan (C-3) and Temporary Erosion Control Plan (C-2), and Details (C-4) dated revised October 9, 2017 and Lighting Plan (C-6) dated revised September 25, 2018; a set of plans prepared by Southampton Engineering Services, P.C., dated December 8, 2017 including: Proposed 3D Views (FP), Proposed Site Plan (1), Proposed Landscape Plan (2), Proposed Foundation Plan (3), Proposed First Floor Plan (4), Proposed Mezzanine Plan (5), Proposed Elevations (6), Proposed Mezzanine Structural Plan (7), Proposed Sections AA, BB, CC (8), Drainage and Sanitary Plan (9), Lighting Plan (10), Details (11), Details (12); Planting Plan (L-1) prepared by East Hampton Land Planning, LLC dated revised May 26, 2019; and Lighting Plan Lot 2 (L-1) prepared by Hamptons Site Planning & Design dated revised September 25, 2018

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 conditions enumerated in sub¶ 3.2, and 3.3 below have been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall obtain final approval of the Suffolk County Department of Health Services (SCDHS) on Lot 2.

3.3 The applicants shall obtain final approval of the Architectural Review Board.

3.4 The applicant shall perform the parking, access, drainage, and landscaping improvements shown on the approved site plan and approved building or construction plans described above prior to the issuance of a certificate of occupancy.

3.5 The parking, access, and drainage improvements required by this site plan approval (including any devices for delineating parking spaces or directing traffic flow) 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.

3.6 The applicant shall install all utilities servicing the proposed lots, including electric, telephone, and, if available, cable television wiring below grade. 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.

3.7 In addition to the drainage improvements illustrated on the approved plans and referenced in ¶ 3.5 above, all storm water collection structures such as catch basins and curb inlets shall contain filters designed to collect potential groundwater contaminants from storm water run-off.

3.8 No maintenance or repair of vehicles or equipment shall occur on-site.

3.9 The applicants shall make provisions for and allow the inspection of the “pens” on Lots 1, 3 & 4 on (at least) a yearly basis by the East Hampton Town Office of Fire Prevention.

3.10 The storage bins on Lots 1, 3 & 4 shall be designed to contain spills by utilizing either the sealant and equipment identified in the applicant’s submission dated August 8, 2019 or by some other method as may be found acceptable by a licensed engineer, East Hampton Town Building Department, East Hampton Town Office of Fire Prevention or local Fire Department of jurisdiction, pursuant to § 255-2-12(A) of the Town Code.

3.11 There shall be no outdoor storage of hazardous materials on any of the lots. Potential hazardous materials including fuel, chlorine, fertilizer and other such items associated with general contractors and other common industrial activities shall be confined to within properly sealed storage bins on Lots 1, 3 & 4 or on parked vehicles, if covered, and to within the principal building on proposed Lot 2. Lot 2 is permitted to have outdoor materials storage of non-hazardous materials in the outdoor storage area illustrated on the approved plans.

3.12 The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶ 3.8, 3.10 & 3.11 above and in standard form acceptable to and approved by Counsel to this Board. The said 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 prior to the issuance of a certificate of occupancy.

3.13 The applicant shall apply for and obtain a building permit 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 no later than four (4) years from the date of this resolution.

3.15 The applicant shall submit to the file the David Rhoades, PE drawing, referenced in the September 11, 2019 memorandum to the Planning Board from Thomas D. Talmage PE, Town Engineer, prior to the issuance of a Certificate of Occupancy.

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: January 15, 2020

cc: Jonathan Tarbet, Esq.
Tarbet & Lester, PLLC
132 North Main Street
East Hampton, NY 11937

Planning Department
Building Inspector
Architectural Review Board

Result: Adopted
Mover: Kathleen Cunningham
Seconder: Randall T. Parsons
Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Louis Cortese

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

In the Matter of the Application

of

**SCHEDULE
PUBLIC HEARING**

**THREE MILE HARBOR VISTA II
MINOR SUBDIVISION
SCTM # 300-94-2-1**

ADOPTED: 1 / 15 / 2020

1. Rebekah Baker and Thomas Burke, owners, have made application for minor subdivision pursuant to Chapter 220 (Subdivision of Land) of the East Hampton Town Code, to divide a 2.848-acre parcel into three (3) lots. Proposed Lot 1 will contain 40,000 square feet. Proposed Lot 2 will contain 35,780 square feet. And proposed Lot 3 will contain 40,000 square feet. A lot width variance was granted from the Zoning Board of Appeals. The parcel contains the John Dart house which is known to have been constructed prior to 1838. The property is located on the east side of Three Mile Harbor/Hog Creek Highway, Springs and is situated in an A-Residence zoning district as shown on the official Zoning Map of the Town of East Hampton. Premises are identified on the Suffolk County Tax Map as parcels #300-94-2-1.

2. Subject application is classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), Part 617 of the New York Code of Rules and Regulations, and Chapter 128 (Environmental Quality Review) of the Town Code.

3. A survey prepared by Hands on Surveying, dated revised January 14, 2019 is available for inspection at the Planning Board office, 300 Pantigo Place, Suite 103, East Hampton, New York.

4. A public hearing is hereby scheduled to be held at Town Hall, 159 Pantigo Road, East Hampton, on Wednesday, February 5, 2020 at 7:00 P.M. or as soon thereafter as this matter may be heard, to consider the said application.

5. The applicant is hereby notified of the requirement that adjacent property owners as listed on the local assessment rolls, including those immediately across any public or private streets, be notified and that the subject property be posted, as required by § 255-9-23 of the Town Code.

DATED: January 15, 2020

cc: Mark Catalano, Esq.
10 Pantigo Road
East Hampton, NY 11937

Planning Department
Building Department

Result: Adopted
Mover: Samuel Kramer
Seconder: Kathleen Cunningham
Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Louis Cortese

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

In the Matter of the Application

of

**SCHEDULE
PUBLIC HEARING**

**VERIZON WIRELESS AT
MONTAUK COMMUNITY CHURCH
SITE PLAN/SPECIAL PERMIT/
PERSONAL WIRELESS SERVICE FACILITY**

SCTM # 300-49-2-13

ADOPTED: 1 / 15 / 2020

1. Montauk Community Church, owner, in conjunction with New York SMSA Limited Partnership d/b/a Verizon Wireless, has made application for site plan/special permit/personal wireless service facility approval pursuant to Articles V and VI of Chapter 255 of the East Hampton Town Code, to construct a new personal wireless service facility consisting of: six (6) antennas, nine (9) remote radio heads, three (3) GPS units and associated cabling and equipment to be situated atop an existing church bell tower and concealed by a 6' tall screening enclosure. The property contains 70,737 square feet (1.624 acres) and is located on the south side of Montauk Highway, Montauk and is situated in a B-Residence zoning district as shown on the official Zoning Map of the Town of East Hampton. Premises are identified on the Suffolk County Tax Map as parcel SCTM #300-49-2-13.

2. Subject application is classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), Part 617 of the New York Code of Rules and Regulations, and Chapter 128 (Environmental Quality Review) of the Town Code.

3. A survey prepared by George Walbridge Surveyors, P.C., dated revised April 22, 2019; a set of plans prepared by Structural Consulting Services, P.C., dated revised March 19, 2019 including: Site Plan, Project Information, Map and Notes (Z01), Roof Plan, Part Roof Plan at Upper Bell Tower, Antenna Dimensions (Z-2), Building Elevations (Z-3), Building Elevations (Z-4), Site Line Representations (Z-5), and Vicinity Plan (Z-6); a set of plans prepared by Stealth Go Unnoticed dated October 15, 2018 including: Title Sheet (T1), Notes and Specifications (N1), Notes and Specifications (N2), Assembly – Elevations (S1), Assembly – Elevations (S2), Assembly – Elevations (S3), and Steel Details (S4); a set of plans prepared by Structural Consulting Services, P.C., dated revised December 6, 2017 including: 1000' Radius Map (RM-1), and Adjoiners List (RM-2); and Visual Assessment and Photo-Simulations prepared by APT Engineering dated December 2018 are available for inspection at the Planning Board offices, 300 Pantigo Place, Suite 103, East Hampton, New York.

4. A public hearing is hereby scheduled to be held at Town Hall, 159 Pantigo Road, East Hampton, on Wednesday, February 26, 2020 at 7:00 P.M. or as soon thereafter as this matter may be heard, to consider the said application.

5. The applicant is hereby notified of the requirement that adjacent property owners as listed on the local assessment rolls, including those immediately across any

public or private streets, be notified and that the subject property be posted, as required by § 255-9-23 of the Town Code.

DATED: January 15, 2020

cc: Simone M. Freeman, Esq.
Amato Law Group, PLLC
666 Old Country Road, 9th Floor
Garden City, NY 11530

Planning Department
Building Department
Architectural Review Board

Result: Adopted
Mover: Sharon McCobb
Seconder: Randall T. Parsons
Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Louis Cortese

ADOPTION OF MINUTES: January 8, 2020

Upon motion duly made and seconded the meeting was adjourned at 7:55 PM.