

# PLANNING BOARD MEETING

January 27, 2021

Attending remotely via teleconferencing: Chair Samuel Kramer, Vice-Chair Kathleen Cunningham, Members Ian Calder-Piedmonte, Louis Cortese, Ed Krug, Sharon McCobb and Randall T. Parsons, Counsel Thomas Crouch, Planning Director JoAnne Pahwul, Planner Marco Wu, and several other interested persons.

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

**Please note**, this meeting was broadcast to the public over LTV and a call-in number was provided.

## **WORK SESSION:**

### **1. SHARED GENERATOR PROGRAM SITE PLAN SCTM #300-150-3-16.5**

Director Pahwul gives an overview and presents plans for Planner Schantz. The application is ready for approval. The Planning Department is reviewing the structure and will make a determination as to whether ARB approval is necessary.

### **2. WAINSCOTT WOMBLES II SITE PLAN SCTM #300-197-3-2**

Planner Wu gives an overview and presents plans. The board finds the landscaping and lighting to be sufficient. The applicant agrees to provide a copy of the applicant's plan submitted to the NYSDOT and preliminary comments regarding their work in the right-of-way. Comments from the NYSDOT should be provided before deeming the application complete and scheduling a public hearing. Counsel will research to see if ARB approval is necessary.

### **3. NEW CINGULAR WIRELESS PCS, LLC AT AMAGANSETT FIRE DEPARTMENT MODIFICATION VI SITE PLAN/SPECIAL PERMIT/PWSF SCTM #300-150-3-16.5**

Director Pahwul gives an overview and presents plans for Planner Schantz. The applicant should submit information demonstrating that the project complies with the Town Code with regard to noise at the property line. Both the distance to the property line and the decibel levels needs to be demonstrated. A public hearing will not be required. Counsel will research to determine if ARB approval is necessary.

### **4. CUCCI SITE PLAN SCTM #300-145-5-22.1**

Planner Wu gives an overview and presents plans. The board will request that the Town Board consider whether a change of the Town Code to allow preexisting residences on Commercial Industrial lots is warranted. The applicant should consider seeking a variance from the Zoning Board of Appeals with respect to the application including the number of allowable uses. The applicant should address the board's concern of the property's dirt driveway overlapping a neighboring parcel. The applicant should provide the permits as referenced in the NYSDEC regulations regarding waste transporting and cleaning or portable toilets. The applicant should provide drainage control, and substrate details for the designated areas for portable toilets. The applicant should follow the site plan as last approved by the Planning Board in 1996 for 76 Queens Lane or a modification to the site plan for 76 Queens Lane should be submitted.

**5. CHAD SMITH ARTIST STUDIO  
SCTM #300-26-1-9.1**

Planner Wu gives an overview and presents plans. The Board will consider whether the applicant meets the criteria of Section 255-11-88 (Artist's Studio) (3)(a)[1]-[7] the next time the application is before the Board. The applicant should consider an alternative location for the artist studio that does not impact steep slopes. The application should submit a revegetation plan that complies with clearing restrictions. The Planning Department will make a determination as to whether the blueberry enclosure is considered to be a structure. The driveway needs to be moved to the owner's property for prepare an easement.

**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**

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**In the Matter of the Application**

**of**

**294 ABRAHAMS PATH, LLC SUBWAIVER  
SCTM #300-149-2-31**

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**WAIVER OF  
SUBDIVISION  
APPROVAL**

**ADOPTED: 1 / 27 / 2021**

**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, and inspection of the subject property.

**A. PROJECT DESCRIPTION**

- 1. NATURE OF APPLICATION:** Application for waiver of subdivision approval pursuant to Chapter 220 (Subdivision of Land) of the East Hampton Town Code.
- 2. OWNER OF PROPERTY:** 294 Abrahams Path LLC
- 3. SIZE OF PROPERTY:** 2.0594 Acres
- 4. NUMBER OF LOTS PROPOSED:** 2
- 5. SIZE OF PROPOSED RESERVED AREA:** N/A
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** N/A
- 7. PREPARER OF PROPOSED MAP:** David L. Saskas and David Wayne Rhoades, PE, of Saskas Surveying
- 8. DATE OF PROPOSED MAP:** Last revised August 31, 2020
- 9. DATE OF PUBLIC HEARING ON APPLICATION:** December 9, 2020

**B. PROPERTY LOCATION AND DESCRIPTION**

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-149-2-31

2. **STREET LOCATION:** 294 Abrahams Path
3. **CONTIGUOUS WATER BODIES:** N/A
4. **HAMLET OR GEOGRAPHIC AREA:** East Hampton
5. **SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The property is zoned "A" Residence and is situated off of Abrahams Path in East Hampton. The lot is partially cleared and contains one single family residence and dirt driveway.
6. **EXISTING FILED MAP NAME:** N/A
7. **EXISTING FILED MAP NUMBER:** N/A
8. **FILING DATE OF EXISTING MAP:** N/A
9. **BLOCK NUMBER IN EXISTING FILED MAP:** N/A
10. **LOT NUMBERS IN EXISTING FILED MAP:** N/A

**C. ZONING CLASSIFICATION**

1. **ZONING DISTRICT:** A: Residence
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**

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).

By letter dated September 18, 2020 the Fire Marshal has informed the Board that no additional fire protection devices are required for this application.

**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 meets all standards contained in Articles X, XI, and XII of Chapter 220 of the Town Code for waiver of subdivision approval.
2. The application satisfies the general policy and standards of §§ 220-1.05 (A) through (N) of the Town Code.

**G. DISPOSITION OF APPLICATION**

Subdivision approval is hereby waived in accordance with the Map described herein, subject to any conditions or modifications specified in § H below.

1. **NAME OF APPROVED MAP:** Map of 294 Abraham's Path Subwaiver
2. **PREPARER OF APPROVED MAP:** David L. Saskas and David Wayne Rhoades, PE, of Saskas Surveying
3. **DATE OF APPROVED MAP:** Last revised August 31, 2020

**H. CONDITIONS OF APPROVAL**

The minor subdivision approval hereby granted is contingent upon full compliance with

the conditions set forth in this section. No property may be transferred, nor any improvements made, except in accordance with this conditional approval.

1. The applicant shall file this Map at the Office of the Suffolk County Clerk in accordance with the procedures for the filing of subdivision maps.
2. No conveyances may be made of any of the lots shown on the Map (except as part of a conveyance of the entire premises comprising the Map) until and unless the Map has been signed by the Planning Board Chair and recorded at the Office of the Suffolk County Clerk.
3. The Planning Board Chair shall not sign the Map until and unless the applicant has met the conditions contained in ¶ 4, 6, 12 & 14 below.
4. For the sole purpose of enabling the Planning Board Chair to sign the Map, the applicant shall have satisfied any condition of this approval which requires the applicant to record one or more easements, declarations, or other legal instruments at the Office of the Suffolk County Clerk either *(a)* for easements or other conveyances which must be accepted by the Town Board, whether or not pursuant to the provisions of § 247 of the General Municipal Law, when these easements or other conveyances have been actually accepted by the Town Board, or *(b)* for all other easements, declarations, or legal instruments, when the form of these easements, declarations, or other instruments has been approved by counsel to this Board.
5. The applicant shall record any and all of the documents referred to in the preceding paragraph at the Office of the Suffolk County Clerk simultaneously with the filing of the Map, and shall return three (3) copies of each such recorded document, with proof of recordation shown thereon, to the Town Clerk before building permits will be issued on any of the lots shown on the Map.
6. The applicant shall obtain Suffolk County Department of Health Services approval of the Map. A copy of the approved map containing an original stamp of approval from that agency, not a photocopy, shall be submitted.
7. The applicant shall install public water to serve the lots shown on the Map.
8. The applicant shall install belowground all utilities servicing the proposed lots, including electric, telephone, and, if available, cable television wiring, in accordance with the requirements of Chapter 220 of the Town Code. 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.
9. Lots 1 & 2 shall take driveway access from Abrahams Path in the locations shown on the Map.
10. Lots 1 & 2 shall take access from Abrahams Path by way of a single common driveway as shown on the Map.
11. The Building Inspector shall not issue a Certificate of Occupancy for any construction which may take place on Lots 1 & 2 unless and until access to the said lot or lots from 1 & 2 is in accordance with the terms of this resolution.
12. The applicant shall prepare and submit a common driveway declaration (or easement) for Lots 1 & 2, including course descriptions of the common driveways, in form acceptable to and approved by counsel to this Board. The said declaration shall provide for its modification or termination only with the written consent of the East Hampton Town Planning Board and said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk simultaneously with the filing of the Map. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk in accordance with the provisions of ¶ 5 above.

13. No buildings or structures may be placed, installed, erected, or constructed within the areas depicted on the Map as "scenic easement" or as "reserved area," nor may any clearing, grading, or filling occur within these areas, and the said areas shall be left in their natural state forever.

14. In order to best effectuate and make permanent the foregoing condition, the applicant shall grant to and have accepted by the Town of East Hampton a scenic easement, in standard form acceptable to counsel to this Board, covering the portions of Lot 1-shown on the Map to be so encumbered. The applicant shall record these easements with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk in accordance with the provisions of ¶ 5 above.

15. Lots 1 & 2 shown on the Map shall not be used for the construction or erection of more than one (1) single family residence, plus accessory buildings and structures on each lot, and may never be further subdivided.

16. Before the start of clearing, grading, or construction work on any of the lots shown on the Map project-limiting fencing shall be installed along the perimeter of the areas proposed to be cleared. This fencing shall remain in place until all clearing, grading, or construction work on the particular lot or lots has been completed.

17. No buildings or structures, except fences, shall be constructed within ten (10) feet of the boundary of any scenic and conservation easement

18. All stormwater run-off resulting from the development of the lots shown on the Map shall be contained within the said lots.

19. All conditions prerequisite to the signing of the Map by the Planning Board Chair shall be met within six (6) months of the date of this resolution.

#### **I. VALIDITY OF APPROVAL**

The foregoing constitutes this Board's conditional waiver of subdivision approval for the "Map of 294 Abrahams Path Subwaiver." If any condition of this resolution is not met, or is not met within the prescribed time period, the minor subdivision approval hereby granted shall become void and of no effect.

DATED: January 27, 2021

cc: David Kirst, Esq.  
Matthews, Kirst & Cooley, PLLC  
241 Pantigo Road  
East Hampton, NY 11937

Planning Department  
Building Inspector  
Board of Assessors

Result: Adopted  
Mover: Louis Cortese  
Seconder: Kathleen Cunningham  
Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Ian Calder-Piedmonte, Louis Cortese, Ed Krug

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

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In the Matter of the Application

of

**SITE PLAN  
APPROVAL**

**EAST HAMPTON HOUSE POOL  
SITE PLAN  
SCTM #300-188-2-4**

**ADOPTED: 1 / 27 / 2021**

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**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.

**2. USE REQUIRING SPECIAL PERMIT: N/A**

**3. DESCRIPTION OF PROPOSED WORK:** Renovate an existing pool area with brick paving, a barbeque patio area, shed and walkways with a new pool of 1,193 square feet, a brick paved deck of 4,406 square feet, two dry wells, ornamental fencing, doors for the pool shed, and a new barbeque patio of 123 square feet and extensive landscaping.

**4. SIZE OF PROPERTY:** 204,418 sq. ft. (4.693 acres)

**5. OWNER OF PROPERTY:** East Hampton House Owners, Ltd.

**6. APPLICANT:** Laurie Wiltshire, Land Planning Services, Ltd

**7. PROPOSED SITE PLAN:** A site plan prepared by George Walbridge Surveyors, P.C., dated revised October 14, 2020; a Main Swimming Pool Deck Drainage Plan (SK-1 of 1) prepared by Larry A. Rubinson, P.E., dated September 2020; a Landscape Plan (L300) dated revised September 21, 2020 prepared by Stuart T. Cook, Landscape Architect; and a swimming Pool Backwash & Drain Drywell Plan prepared by R&W Engineers, P.C. dated September 2020 (SK-1 of 1).

**8. DATE OF PUBLIC HEARING ON APPLICATION:** December 2, 2020

**B. PROPERTY LOCATION AND DESCRIPTION**

**1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-188-2-4

**2. STREET LOCATION:** 226 Pantigo Road, East Hampton

**3. CONTIGUOUS WATER BODIES:** N/A

**4. HAMLET OR GEOGRAPHIC AREA:** East Hampton

**5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** Motel structures consisting of rental units, 2 tennis courts, coffee shop w/in 1 building, and 1 concrete swimming pool.

**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:** RS: Resort

**2. ZONING OVERLAY DISTRICT:** N/A

**D. SEQRA REVIEW**

1. **SEQRA CLASSIFICATION:** Type II
2. **LEAD AGENCY:** Town of East Hampton Planning Board
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 letter dated November 2, 2020, the Fire Department has informed the Board that no additional fire protection devices are needed for this project.
3. The Planning Board expressed concern that the applicant's current certificate of occupancy for a coffee shop would allow, along with the proposed improvements, for outdoor dining at the Resort. In response, the applicant offered to give up the coffee shop use and not re-establish unless the Planning Board approves.

**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:**

(a) Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.

**2. NATURE OF APPROVED USE:** Resort

**3. DESCRIPTION OF APPROVED WORK:** Renovation of an existing pool area with brick paving, a barbeque patio area, shed and walkways with a new pool of 1,193 square feet, a brick paved deck of 4,406 square feet, two dry wells, ornamental fencing, doors for the pool shed, and a new barbeque patio of 123 square feet and extensive landscaping.

**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:** Prepared by George Walbridge Surveyors, P.C and dated October 14, 2020

**2. APPROVED BUILDING OR CONSTRUCTION PLANS:**

- Main Swimming Pool Deck Drainage Plan (SK-1 of 1) prepared by Larry A. Rubinson, P.E., dated September 2020
- Landscape Plan (L300) dated revised September 21, 2020 prepared by Stuart T. Cook,

Landscape Architect

- Swimming Pool Backwash & Drain Drywell Plan prepared by R&W Engineers, P.C. dated September 2020 (SK-1 of 1).

**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 the approval of the Suffolk County Department of Health Services. A copy of the approved plan containing an original stamp of approval from that agency, not a photocopy, shall be submitted.

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

3.4 The applicant shall perform the 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 drainage improvements required by this site plan approval 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 Resort shall be required to seek Planning Board approval in order to re-establish the coffee shop on the premises.

3.7 No Certificate of Occupancy shall be issued for this site or for the improvements thereon until and unless all of the foregoing conditions have been met.

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

3.9 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: January 27, 2021

cc: Laurie Wiltshire  
P.O. Box 1313  
East Hampton, NY 11937

Planning Department  
Building Inspector  
Architectural Review Board

Result: Adopted  
Mover: Ed Krug  
Second: Kathleen Cunningham



Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Ian Calder-Piedmonte, Louis Cortese, Ed Krug

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

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**In the Matter of the Application**

**of**

**SITE PLAN  
APPROVAL**

**ACCABONAC GROVE CEMETERY EXPANSION II  
SITE PLAN  
SCTM#300-103-2-4.10**

**ADOPTED: 1 / 27 / 2021**

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**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.

**2. USE REQUIRING SPECIAL PERMIT:** N/A

**3. DESCRIPTION OF PROPOSED WORK:** A secondary expansion to an existing cemetery by adding 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 has also provided 130.168 sq. ft. area of scenic easement and 15,718 sq. ft. area of conservation easement in the subject property.

**4. SIZE OF PROPERTY:** 374,997 sq. ft.

**5. OWNER OF PROPERTY:** Jewish Center of the Hamptons

**6. APPLICANT:** David Weaver of George Walbridge Surveyors, P.C.

**7. PROPOSED SITE PLAN:** Site Plan prepared by George Walbridge Surveyors, P.C. dated September 17, 2020.

**8. DATE OF PUBLIC HEARING ON APPLICATION:** November 4, 2020

**B. PROPERTY LOCATION AND DESCRIPTION**

**1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-103-2-4.10

**2. STREET LOCATION:** 310 Old Stone Highway

**3. CONTIGUOUS WATER BODIES:** N/A

**4. HAMLET OR GEOGRAPHIC AREA:** Springs

**5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** 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. The subject parcel is 374,997 sq. ft. of area with 1,178 plots.

**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:** A5: Residence
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:** October 7, 2020

#### **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 letter dated October 2, 2020, the Fire Department has informed the Board that no additional fire protection devices are needed for this project.

#### **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:**

(a) Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.

##### **2. NATURE OF APPROVED USE:** Semi-public facility (Cemetery)

**3. DESCRIPTION OF APPROVED WORK:** A secondary expansion to an existing cemetery by adding 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 has also provided 130.168 sq. ft. area of scenic easement and 15,718 sq. ft. area of conservation easement in the subject property.

#### **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:** Prepared by George Walbridge Surveyors, P.C. and dated September 17, 2020.

**2. APPROVED BUILDING OR CONSTRUCTION PLANS:** N/A

##### **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 ¶ 3.2 below have been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall obtain the approval of the Suffolk County Department of Health Services. A copy of the approved plan containing an original stamp of approval from that agency, not a photocopy, shall be submitted.

3.3 All landscaping shall be maintained by the applicant in accordance with the approved site planting plan 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 replace and replant the landscaping on the site as may be necessary to satisfy this condition.

3.4 The use of embalming fluids is prohibited on-site.

3.5 The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶ 3.4 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 a majority of the East Hampton Town Planning Board after a public hearing held on 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.

3.6 The applicant shall grant to and have accepted by the Town of East Hampton a scenic easement in standard form acceptable to counsel to this Board, over the wooded buffer areas, as shown on the proposed survey prepared by George Walbridge Surveyors, P.C. and dated September 17, 2020. A map depicting the metes and bounds of the scenic easement shall be submitted to both the Planning Board and the Town Attorney. The applicant shall record this easement with the Office of the Suffolk County Clerk and shall return copies of the same, with proof of recordation shown thereon, to the Town Clerk.

3.6 No Certificate of Occupancy shall be issued for this site or for the improvements thereon until and unless all of the foregoing conditions have been met.

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

3.8 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: January 27, 2021

cc: David Weaver  
George Walbridge Surveyors, P.C.  
300 Pantigo Place, Suite 116  
East Hampton, NY 11937

Planning Department  
Building Inspector  
Architectural Review Board

Result: Adopted  
Mover: Ed Krug  
Seconder: Kathleen Cunningham  
Ayes: Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Ian Calder-Piedmonte, Louis Cortese, Ed Krug

Recusal: Samuel Kramer

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

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**In the Matter of the Application**

**of**

**ELMWOOD APARTMENT  
SITE PLAN/SPECIAL PERMIT  
SCTM# 300-49-6-7**

**RESOLUTION  
AMENDING  
APPROVAL**

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**ADOPTED: 1 / 27 / 21**

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:** Site Plan/Special Permit approval dated June 13, 2018

**PROPERTY LOCATION:** 76 South Elmwood Avenue, Montauk

**PROPOSED AMENDMENT:** To change the building method of the second story addition from stick build to modular.

**MODIFICATION AS APPROVED:** To change the approved plans to those listed below

**REASONS SUPPORTING MODIFICATION:** The modification does not affect any of the dimensions or design of the proposed second story apartment or any other site features. It is merely to change the construction method

**APPROVED PLAN AS MODIFIED:**

- Site plan/survey prepared by James P. Walsh, L.S., dated revised April 1, 2020
- Set of plans prepared by David R. Tompos P.E. dated September 23, 2020 including: (Sheet -1 Sheet Title); (Sheet-2 Foundation Loads); (Sheet -3 Floor Plan); (Sheet-4 Shearwall Plan); (Sheet-4a Structural Plan); (Sheet-5 Front Elevation); (Sheet-5a Rear Elevation); (Sheet – 5b Left Elevation); (Sheet-5c Right Elevation);

**CONDITIONS TO MODIFICATION:** N/A

DATED: January 27, 2021

cc: DiSunno Architecture, P.C.  
PO Box 1567  
Sag Harbor, NY 11963

Planning Department  
Building Inspector

Result: Adopted

Mover: Randall T. Parsons

Seconder: Kathleen Cunningham

Ayes: Samuel Kramer, Kathleen Cunningham, Sharon McCobb, Randall T. Parsons, Ian Calder-Piedmonte, Louis Cortese, Ed Krug

Upon motion duly made and seconded the meeting was adjourned at 9:10 PM.