

PLANNING BOARD MEETING

February 12, 2020

Present at meeting: Chair Samuel Kramer, Vice Chair Kathleen Cunningham, Members Louis Cortese, Ed Krug, Sharon McCobb, Randall T. Parsons, and Ian Calder-Piedmonte. Also present were Director JoAnne Pahwul, Planners Eric Schantz, Marco Wu, and Fabiha Mubassirah, Counsel Jameson McWilliams and Thomas Crouch, and Secretary Jodi Walker, and several other interested persons.

The meeting was called to order at 6:35 PM.

WORK SESSION:

**1. NEW CINGULAR WIRELESS 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 application is ready for approval.

**2. 51 SOUTH EDGEMERE, LLC SITE PLAN
SCTM #300-52-1-1.2**

Planner Schantz gives an overview and presents plans. The application is ready to be scheduled for public hearing.

**3. SCOVILLE HALL TERRACE AND GENERATOR WALL SITE PLAN
SCTM #300-171-5-2**

Director Pahwul gives an overview and presents plans. The generator must meet both the daytime and nighttime noise standards of the town code. The applicant agrees to submit revised lighting plans that meet the board's lighting guidelines along with additional information regarding the location of the fixtures, lighting schedule, method of control and type of bulb.

**4. BROOKS-PARKS COTTAGE RELOCATION SITE PLAN
SCTM #300-67-7-3.5, 6.1**

Planner Schantz gives an overview and presents plans. The application is complete and ready to be scheduled for public hearing.

**5. 224/228 SPRINGS FIREPLACE, LLC SITE PLAN/SPECIAL PERMIT
SCTM #300-145-3-8.1, 10.1**

Planner Schantz gives an overview and presents plans. The application is complete and ready to be scheduled for public hearing.

**6. SOUTH FORK COUNTRY CLUB BARN SITE PLAN
SCTM #300-150-4-2, 5**

Planner Schantz gives an overview and presents plans. The application is ready for approval.

**7. 92 SOUTH EUCLID AVENUE SITE PLAN
SCTM #300-49-1-15**

Planner Wu gives an overview and presents plans. The applicant will seek a determination from Ann Glennon, PBI, regarding the side yard setback issue. The applicant should clarify whether there will be one tenant or two tenants using the first floor. The applicant should address the lack of ADA access from the southern

entrances. The applicant should reduce the size of the principal building to meet setbacks or request a variance from the Zoning Board of Appeals. The applicant should demonstrate that the required amount of parking can be situated on-site. The site plans should be revised to indicate a 2' wide road widening easement required for parking spaces utilizing the alleyway. The applicant should demonstrate cohesiveness regarding spot elevations with neighboring properties. The site plan should depict sidewalks that match and align with adjoining properties as recommended by the Downtown Montauk Central Business Study. The applicant should withdraw their first site plan from March, 2004. The applicant should reconsider the design language to more closely match adjoining properties.

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

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

ADOPTED: 2 / 12 / 2020

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: Personal Wireless Service Facility

3. DESCRIPTION OF PROPOSED WORK: To construct a Personal Wireless Service Facility consisting of a 185' tall monopole with twelve (12) panel antennas at a centerline height of 155' along with fifteen (15) remote radio heads and associated equipment, and a diesel generator and equipment shelter on a 264 sq. ft. concrete slab within a 2,500 sq. ft. fenced-in equipment area, along with a gravel access road from Old Northwest Road.

4. SIZE OF PROPERTY: 708,702 sq. ft. (16.27 acres)

5. OWNER OF PROPERTY: Town of East Hampton

6. APPLICANT: New Cingular Wireless PCS, LLC (aka AT & T) c/o Phillips Lytle LLP

7. PROPOSED PLANS: All prepared for and submitted by Phillips Lytle LLP:

Exhibit A – Site Plans dated January 6, 2020 including: Sheets Z1, Z2, Z3, Z4, Z5, Z6, Z7A, Z7B, Z7C, Z7D, Z7E, Z8, Z9 all prepared by Salient Architects, LLC dated last revised January 5, 2020 and; partial topographic survey for proposed layout of compound (Sheet 1 of 9), overall site plan for proposed layout of compound (Sheet 2 of 9), site plan for proposed layout of compound (Sheet 3 of 9), sheet A1 site plan for proposed layout of compound (Sheet 4 of 9), sheet A2 site plan for proposed layout of compound (Sheet 5 of 9), sheet B1 site plan for proposed layout of compound (Sheet 6 of 9), sheet B2 site plan for proposed layout of compound (Sheet 7 of 9), sheet C1 site plan for proposed layout of compound (Sheet 8 of 9), sheet C2 site plan for proposed layout of compound (Sheet 9 of 9) all prepared by Ferrantello Land Surveying, P.C. dated last revised January 3, 2020. Exhibit J – Equipment Specifications

8. DATE OF PUBLIC HEARING ON APPLICATION: February 5, 2020

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-135-2-15.2, 19 & 34.2
- 2. STREET LOCATION:** 12 & 18 Old Northwest Road, 105 Bull Path
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The parcels are zoned A2: Residence and A3: Residence and are situated between Old Northwest Road and Bull Path in the northwest area of East Hampton. They have historically been used as a brush dump (from between roughly 1973 to 1982) and a mostly cleared of naturally-occurring vegetation. The property was issued a site plan approval in December 2017 to construct a 3,800 sq. ft. fire sub-station and associated parking and accessory structures along Old Northwest Road. A building permit for this project has been issued.
- 6. FILED MAP NAME:** Montauk Heights, Section B
- 7. FILED MAP NUMBER:** 351
- 8. DATE OF MAP FILING:** June 19, 1911
- 9. BLOCK & LOT NUMBERS IN FILED MAP:** Block B Lots 1 – 50, Block M Lots 1 – 24, Block N Lots 1 – 24, Block O Lots 1 – 24, Block P Lots 1 – 13, Block Q Lots 1 – 21

C. ZONING CLASSIFICATION

- 1. ZONING DISTRICT:** A2: Residence, A3: Residence
- 2. ZONING OVERLAY DISTRICT:** Water Recharge

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Uncoordinated review
- 3. DETERMINATION OF SIGNIFICANCE:** Negative declaration
- 4. DATE OF DETERMINATION:** January 15, 2020

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. An RF engineer’s report prepared by Pinnacle Telecom Group dated March 5, 2019 has been submitted. The proposed facility will meet all applicable Federal Communications Commission (FCC) guidelines.
2. The applicants have submitted a structural design report prepared by Sabre Industries dated December 10, 2019 which verifies that the proposed monopole and associated equipment will be structurally sound.
3. By letter dated December 20, 2019 the Office of Fire Prevention stated that no additional information is necessary for fire-fighting purposes.

4. By resolution dated February 4, 2020 the Zoning Board of appeals granted the necessary relief for the proposed project.

5. By letter dated January 27, 2020 the Suffolk County Planning Commission found this application to be a matter for local determination.

6. The Planning Board finds that the site of the proposed tower is an opportunity site for a Personal Wireless Service Facility because the site is on Town-owned property and is within tree masses pursuant to §255-2-90(A)(4), (5) of the Town Code.

7. The Planning Board finds that the site of the proposed tower is a suitable one for the location of a Personal Wireless Service Facility because the tower is centrally-located on the subject parcel, which parcel is large enough, appropriate, and adequate for the proposed use, and will not prevent the orderly and reasonable use of adjacent properties.

8. The Planning Board finds that the site of the proposed tower is a suitable one for the location of a Personal Wireless Service Facility because the tower allows for the installation of Town emergency service equipment, and the same will be located at the upper-most portion of the proposed tower, necessitating the increased heights from 160' to the 185'.

9. The Planning Board finds that the site of the proposed tower is a suitable one for the location of a Personal Wireless Service Facility because the tower will improve public safety in the Northwest Woods neighborhood and throughout the Town through improved cellular reception and emergency services communication.

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 Personal Wireless Service Facility 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 conforms to the Town Code's definition of "Personal Wireless Service Facility" as that definition is used in § 255-1-20 of the Town Code.

(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, and the Town's Groundwater Protection Policy, to the extent that they are applicable, 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: Personal Wireless Service Facility

3. DESCRIPTION OF APPROVED WORK To construct a Personal Wireless Service Facility consisting of a 185' tall monopole with twelve (12) panel antennas at a centerline height of 155' along with fifteen (15) remote radio heads and associated equipment, and a diesel generator and equipment shelter on a 264 sq. ft. concrete slab within a 2,500 sq. ft. fenced-in equipment area, along with a gravel access road from Old Northwest Road.

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 BUILDING OR CONSTRUCTION PLANS: All prepared for and submitted by Phillips Lytle LLP: Exhibit A – Site Plans dated January 6, 2020 including: Sheets Z1, Z2, Z3, Z4, Z5, Z6, Z7A, Z7B, Z7C, Z7D, Z7E, Z8, Z9 all prepared by Salient Architects, LLC dated last revised January 5, 2020 and; partial topographic survey for proposed layout of compound (Sheet 1 of 9), overall site plan for proposed layout of compound (Sheet 2 of 9), site plan for proposed layout of compound (Sheet 3 of 9), sheet A1 site plan for proposed layout of compound (Sheet 4 of 9), sheet A2 site plan for proposed layout of compound (Sheet 5 of 9), sheet B1 site plan for proposed layout of compound (Sheet 6 of 9), sheet B2 site plan for proposed layout of compound (Sheet 7 of 9), sheet C1 site plan for proposed layout of compound (Sheet 8 of 9), sheet C2 site plan for proposed layout of compound (Sheet 9 of 9) all prepared by Ferrantello Land Surveying, P.C. dated last revised January 3, 2020. Exhibit J – Equipment Specifications

2. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

2.1 No building permit shall be issued until the applicants obtain approval of the Architectural Review Board (ARB).

2.2 Approval of the New York State Department of Environmental Conservation (NYSDEC) must be obtained prior to the issuance of a certificate of occupancy.

2.3 Prior to the issuance of a certificate of occupancy, the applicants shall submit a certified report from a licensed professional demonstrating that the work has been performed in accordance with the approved plans and appropriate building codes.

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

2.5 The applicant shall apply for and obtain a Certificate of Occupancy no later than one (1) year from the issuance of the building permit.

2.6 The applicant shall reserve space above 160’ feet for Town Emergency Communication equipment.

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: February 12, 2020

cc: Kimberly Nason
Phillips Lytle, LLP
One Canalside – 125 Main Street
Buffalo NY 14203

Architectural Review Board
Planning Department
Building Inspector

Result: Adopted
Mover: Kathleen Cunningham
Seconder: Ed Krug

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

ADOPTION OF MINUTES: February 5, 2020

Upon motion duly made and seconded the meeting was adjourned at 10:40 PM.