

PLANNING BOARD MEETING

March 11, 2020

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

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

WORK SESSION:

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

Planner Schantz gives an overview and presents plans. The board would like the proposed concrete pad designed to contain potential spills. The application should contact the planner to discuss an acceptable design that meets current standards.

**2. SPRINT SPECTRUM L.P. AT SCWA SITE PLAN/SPECIAL PERMIT/PWSF
MODIFICATION II
SCTM #300-16-2-13**

Planner Schantz gives an overview and presents plans. The board agrees to waive the public hearing requirement. The application is ready for approval.

**3. WALLACE/DELANEY RESIDENCE SITE PLAN
SCTM #300-17-1-10**

Planner Mubassirah gives an overview and presents plans. The board agrees to send a letter to the Zoning Board of Appeals stressing concerns regarding the scale of the project and consideration of the character of the neighborhood. The board would like the applicant to consider delineating the no-mow zone. If the variances are granted, the applicant should submit revised plans that indicate the title of the site plan, the dimensions of the proposed decks, and the setbacks from the mean high-water line and top of the bluff crest line. A consulting engineer will review the stormwater runoff plan.

REGULAR MEETING:

By motions made, seconded, the following resolution was approved by the Board:

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

In the Matter of the Application

of

**THREE MILE HARBOR VISTA II
MINOR SUBDIVISION
SCTM #300-94-02-01**

**WAIVER OF
SUBDIVISION
APPROVAL**

ADOPTED: 2 / 11 / 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, 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:** Rebekah Baker & Thomas Burke
3. **SIZE OF PROPERTY:** 2.848 acres
4. **NUMBER OF LOTS PROPOSED:** 3
5. **SIZE OF PROPOSED RESERVED AREA:** N/A
6. **SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** N/A
7. **PREPARER OF PROPOSED MAP:** Hands On Surveying
8. **DATE OF PROPOSED MAP:** January 14, 2019
9. **DATE OF PUBLIC HEARING ON APPLICATION:** February 26, 2020

B. PROPERTY LOCATION AND DESCRIPTION

1. **SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-94-02-01
2. **STREET LOCATION:** 182 Three Mile Harbor Road
3. **CONTIGUOUS WATER BODIES:** N/A
4. **HAMLET OR GEOGRAPHIC AREA:** Springs
5. **SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The historic John Dart House and accessory structures
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:** Unlisted
2. **LEAD AGENCY:** Planning Board
3. **DETERMINATION OF SIGNIFICANCE:** Negative declaration
4. **DATE OF DETERMINATION:** September 11, 2019

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Review by the Suffolk County Planning Commission is not required.
2. On December 11, 2019, the Zoning Board of Appeals granted a lot area variance for Lot 2 of this subdivision. As mitigation for that variance the applicant offered to forgo the option of a second residence on Lot 1 that is permitted under the Special Historic Landmarks legislation in the Town Code.
3. By memorandum dated March 29, 2019, the Springs Fire Department recommended that an electric well be required in the right of way of Three Mile Harbor-Hog Creek Road to provide fire protection for the lots in the map.
4. By memorandum dated November 2, 2018, the Town Engineer found the engineering elements of the project to be satisfactory.
5. The parcel contains the historic John Dart House and has been designated as a Special Historic Landmark. Robert Hefner, the Town's historic consultant has reviewed the proposal and drafted a historic preservation easement that will protect historic interior and exterior elements of the building and the setting.

6. The applicant offered as mitigation for the lot area variance, to forego the ability under the Special Historic Landmarks legislation for a second residence on Lot 1.

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:** Three Mile Harbor Vista
2. **PREPARER OF APPROVED MAP:** Hands On Surveying
3. **DATE OF APPROVED MAP:** January 14, 2019

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 ¶¶ 6, 7, 8, 12, 19, 23, and 26 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 prepare and submit a revised final Map having the following changes:

(a) Depicting the location of the electric well as shown on the sketch prepared by the Springs Fire Department.

7. The applicant shall prepare and submit a revised final Map containing the following additional notations:

(a) "A Declaration of Covenants and Restrictions has been filed in the Office of the Suffolk County Clerk which affects the lots shown on this Map. The Covenants and Restrictions contained in that Declaration are binding upon all lot owners and, where a conflict exists, are controlling over the statements made on the face of this Map and over all less restrictive provisions of the Town's Zoning Laws."

(b) "Lots 2 and 3 shall share a single common driveway as shown on the Map."

(c) "Lots 2 and 3 shall take driveway access from Three Mile Harbor-Hog Creek Road in the locations shown on the Map."

(d) "No clearing, grading, or construction may occur on any of the lots shown on this Map until and unless a project-limiting fence has been installed along the perimeter of the area proposed to be cleared."

(e) "All clearing on the lots shown on this Map shall comply with Town of East Hampton regulations governing clearing residential properties. "

(f) "No buildings or structures, except fences, shall be constructed within ten (10) feet of a scenic or scenic and conservation easement boundary."

(g) "The density on Lot 1 shall be restricted to one single family residence"

(h) "Lot 1 is the subject of a preservation and conservation easement that protects the historic John Dart House and its setting."

It is suggested that the above notations be shown on the Map in numbered form, along with the standard notations regarding future disposition of the reserved areas, and installation of utilities belowground in accordance with Public Service Commission regulations.

8. The applicant shall obtain Suffolk County Department of Health Services approval of the Map.

9. The applicant shall grant the Town a historic preservation easement that will protect interior and exterior elements of the historic John Dart House and as well as its setting. This easement shall be submitted in a form acceptable to counsel to this Board. The applicant shall record this easement with the Office of the Suffolk County Clerk simultaneously with the filing of the Map and shall return copies of same, with proof of recordation shown thereon, to the Town Clerk in accordance with the provisions of #5 above.

10. The density on Lot 1, containing the historic John Dart House, shall be limited to one single family residence

11. No buildings or structures may be placed, installed, erected, or constructed within the areas depicted on the Map as "scenic" and "scenic and conservation easement" nor may any clearing, grading, or filling occur within these areas.

12. 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 scenic and conservation easements, in standard form acceptable to counsel to this Board, covering the portions of Lots 1, 2, and 3 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 ¶ 6 above.

13. 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.

14. The applicant shall install an electric well as recommended by the Springs Fire Department, and the same shall be inspected and approved by the Springs Fire Department prior to the issuance of building permits on any of the lots shown on the Map.

15. The applicant shall perform the access improvements specified in the common driveway detail depicted on the approved map.

16. Lots 2 and 3 shall take driveway access from Three Mile Harbor-Hog Creek Road in the location shown on the Map.

17. Lots 2 and 3 shall take access from Three Mile Harbor-Hog Creek Road by way of a single common driveway as shown on the Map.

18. The Building Inspector shall not issue a Certificate of Occupancy for any construction which may take place on Lots 2 and 3 unless and until access to the said lot or lots from Three Mile Harbor-Hog Creek Road is in accordance with the terms of this resolution.

19. The applicant shall prepare and submit a common driveway declaration (or easement) for Lots 2 and 3, 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.

20. 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.

21. The area of clearing on any of the lots shown on the Map shall not exceed the area permitted for clearing by the regulations in §255-2-60 (Residential district provisions).

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

23. The applicant shall submit a planting plan for the proposed 330' of evergreens proposed to be planted along the southerly property line as a means of buffering the proposed common driveway from the southerly property. This plan shall include the Latin and common names of the evergreen, height at planting and spacing to be approved by the Planning Department.

24. All landscaping shall be maintained by the applicant in accordance with the approved planting plan. 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.

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

25. Approval of the Architectural Review Board shall be required prior to the issuance of building permits for construction on Lot 1 shown on the Map.

26. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of ¶ 7, 8, 9, 14, 15, 18, 19, 20, and 21 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 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.

27. 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.

VALIDITY OF APPROVAL

The foregoing constitutes this Board's conditional waiver of subdivision approval for the "Map of Three Mile Harbor Vista II Minor Subdivision". 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: March 11, 2020

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

Planning Department
Building Inspector
Board of Assessors

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

**VERIZON WIRELESS AT MONTAUK COMMUNITY CHURCH SITE
PLAN/SPECIAL PERMIT/PWSF
SCTM #300-49-2-13**

TABLED

ADOPTION OF MINUTES: March 4, 2020

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