

PLANNING BOARD MEETING

July 22, 2020

Attending remotely via teleconferencing: Chair Samuel Kramer, Vice-Chair Kathleen Cunningham, Members Ian Calder-Piedmonte, Louis Cortese, Sharon McCobb, and Randall T. Parsons, Counsel Thomas Crouch, Director JoAnne Pahwul, Planners Eric Schantz, Fabiha Mubassirah, Marco Wu, and Brian Frank and Secretary Jodi Walker 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. 80 FIRESTONE – BLUFF CREST COTTAGES SITE PLAN/SPECIAL PERMIT SCTM #300-17-1-5

Planner Frank gives an overview and presents plans. The board will send a letter to the Zoning Board of Appeals stating that they have no objection to the project. The board would like additional details regarding the extent of clearing and grading that may be necessary on the north side of Unit 1B. The applicant should consider relocating Unit 1B further away from the bluff. The applicant should submit a revised site plan that depicts an ADA parking space that meets ADA requirements. The proposed basements should comply with the board's Groundwater Protection Policy. The applicant should submit a revised landscaping plan that amends the proposed clearing boundary and revegetation standards more consistent with the town code. The applicant should consider installing a permeable reactive barrier. The board agrees to assume lead agency status. The applicant should submit a lighting plan that meets the board's lighting guidelines.

2. EMERGENCY SERVICE COMMUNICATIONS FACILITY AT SPRINGS FIRE DEPARTMENT SITE PLAN SCTM #300-62-2-8, 18.2

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

3. FREUND – 291 SPRINGS FIREPLACE ROAD SITE PLAN/SPECIAL PERMIT SCTM #300-119-5-6

Chair Kramer recuses himself.

Planner Schantz gives an overview and presents plans. The applicant states that the existing plantings in the scenic easement are to remain and the picnic tables will be removed. The board agrees to waive the public hearing requirement. The application is ready for approval.

4. CUCCI SITE PLAN/SPECIAL PERMIT SCTM #300-145-5-22.1

- Planner Marco gives an overview and presents plans. The board agrees to assume lead agency status. The applicant needs to submit a letter or memo to the Planning Board on the issue of whether this property is considered commercial or residential and how many uses the applicant is entitled to. The applicant should submit a narrative regarding the overall operations and functioning of the proposed business, and specify which activities will occur on this site. This narrative should clarify what items are proposed to be stored on the site. Particularly, hazardous materials such as liquid fuels for the vehicles stated to be stored on-site, chemicals substances needed to sterilize portable toilets, or equipment need to insure the same. Details regarding parking, access and on-site circulation be provided. The board would like additional landscaping and screening added.

OTHER:

**5. NICK COHEN ARTIST STUDIO
SCTM #300-94-2-10**

Director Pahwul gives an overview and presents plans. The board agrees that the applicant can be considered to be an artist. The applicant should submit a narrative that indicates what type of equipment will be used, how noise will be mitigated and what type of sanitary system will be proposed. Counsel will review the town code to determine whether merging the subject parcel with the adjoining parcel owned by the applicant will be required.

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

of

**SITE PLAN/
SPECIAL PERMIT
DETERMINATION**

**NEW CINGULAR WIRELESS (AT&T) at
ST. PETER'S CHAPEL – PERSONAL WIRELESS
SERVICE FACILITY (PWSF)
SITE PLAN/SPECIAL PERMIT
SCTM#300-103-6-24.1**

ADOPTED: 7 / 22 / 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 new Personal Wireless Service Facility (PWSF) consisting of nine (9) antennas, eighteen (18) remote radio heads and associated equipment. Also proposed is a GPS unit and 15 kW emergency generator with all equipment to be situated within a new 50' tall campanile structure.

4. SIZE OF PROPERTY: 26,153 sq. ft.

5. OWNER OF PROPERTY: St. Luke's Episcopal Church of East Hampton

6. APPLICANT: Kimberly R. Nason, Esq., Phillips Lytle, LLP on behalf of New Cingular Wireless

7. **PROPOSED PLANS:** Set of plans prepared by Dewberry Engineering Inc. dated last revised April 23, 2020 including Sheets: LI-056-T01, LI-06-Z01, LI-056-Z02, LI-056-Z02A, LI-056-Z02B, LI-061-Z03, LI-061-Z04, LI-061-Z04A, LI-061-Z04B, LI-061-Z05, LI-061-Z06. Sheet LI-061-Z04B prepared by Dewberry Engineering Inc. dated last revised November 15, 2019
8. **DATE OF PUBLIC HEARING ON APPLICATION:** June 3, 2020 – July 6, 2020

B. PROPERTY LOCATION AND DESCRIPTION

1. **SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-103-6-24.1
2. **STREET LOCATION:** 465 Old Stone Highway
3. **CONTIGUOUS WATER BODIES:** N/A
4. **HAMLET OR GEOGRAPHIC AREA:** Springs
5. **SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The parcel is zoned B: Residence and is situated on Old Stone Highway in Springs. It contains a chapel building which pre-dates the adoption of zoning. The property is entirely bordered by residential zoning and uses.

The principal building is St. Peter's Chapel which dates back to 1881. This structure certainly meets the common definition of "historic" and was included in the Town's Historic Preservation Report Phase One: Reconnaissance Survey, dated March 1989, and is listed in the draft of the Town's Historic Landmarks inventory prepared by Robert J. Hefner in August 2005, which was never formally adopted by the Town Board. However, it was not identified in the review of properties for potential historic preservation prepared in 1990 (The Town of East Hampton Historic Preservation Report Phase Two (also) prepared by Robert J. Hefner). It is not on the National Register of Historic Places. The building appears to have had additions and other changes since it was first constructed. There is a Civil War era bell in the chapel's bell tower.

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:** B: 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:** March 4, 2020

E. FINDINGS AND DETERMINATION

1. The subject premises are presently zoned B Residential. The site is St. Peter's Chapel, a church built in 1881, which predates the Town's adoption of the zoning code.

2. A Radio Frequency (RF) engineer's report prepared by Neil Arceo dated February 12, 2015 has been submitted which verifies that the proposed facility will be in compliance with Federal Communication Commission standards.

3. By letters dated received November 14, 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 dimensional relief for the proposed project.

5. 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).

6. The applicant has proposed housing the Personal Wireless Service Facility within a campanile structure that is 50 feet above ground level (AGL), to be built adjacent to the existing chapel building roughly 3' away. The existing chapel building is roughly 1,500 sq. ft. The height of the steeple is 30' 6" AGL and the roof peak is 22' 6" AGL. The proposed campanile would be substantially taller than any nearby structure, at 50', almost 20' higher than any structure near it.

7. The Planning Board finds that, while the existing chapel building is not included on a historic registry, it is considered a historically and culturally significant structure, having existed on its present site continuously since 1881. As such, under § 255-2-90 (B) (4) of the Town Code, the existing chapel building is an avoidance site where a Personal Wireless Service Facility should not be located.

8. The Planning Board finds that the proposed campanile structure will not be compatible with the adjacent existing chapel building, as well as the surrounding residential properties, as required by § 255-5-40 (D) of the Town Code, particularly with regard to the visibility, scale, and overall appearance of the proposed campanile structure, which is at least 28' higher than any building on the property or in the surrounding area.

9. The Planning Board finds that the aesthetic impact of the proposed campanile structure on the existing chapel building would negatively impact a historically and culturally significant structure. A "campanile" is defined as "an Italian bell tower, especially a freestanding one." The Board finds that a 50 foot tall Italianate bell tower 3 feet away from a 19th century American rural chapel is incompatible aesthetically.

10. The Planning Board finds that, while religious institutions are considered opportunity sites under § 255-2-90 (A) (2) of the Town Code, that provision does not specify whether it is appropriate to build to a new, free-standing structure onto an existing religious institution solely for the purpose of housing a Personal Wireless Service Facility. The Planning Board further finds that it is not appropriate to build a new, free-standing structure onto an existing religious institution solely for the purpose of housing a Personal Wireless Service Facility. Finally, the Planning Board finds that, even if this site were considered an opportunity site, the location standards present in § 255-2-90 of the Town Code are merely directory, not mandatory. The Planning Board finds that the proposed campanile structure will not be compatible with the adjacent existing chapel building, as well as the surrounding residential properties. The Planning Board further finds that, while the existing chapel building is not included on a historic registry, it is considered a historically and culturally significant structure. For these reasons, the Planning Board determined that, even if the proposed site is an opportunity site, the proposed campanile structure is inappropriate for the site and does not meet various other Town Code standards, as discussed above.

11. The Planning Board finds that the lot area of the subject property is 26,153 sq. ft. and is already improved with a 1500 s.f. chapel, parking area, lawn area, underground water and wastewater systems and electric and telephone utilities. The Planning Board further finds that the subject parcel is adjacent to a significant freshwater wetlands system mapped by the New York State Department of Environmental Conservation (NYSDEC), an area of potential flood inundation during a Category 4 hurricane according to The National Hurricane Center's Sea, Lake and Overland Surges from Hurricanes (SLOSH) maps, and has been listed as a high priority for preservation in the national Peconic Estuary Critical Lands Protection Strategy, and that these environmental conditions further constrain the utility of the site. The Planning Board further finds that this area is not sufficient, appropriate and adequate for the use, especially considering reasonably anticipated operation and expansion thereof, as required in § 255-5-40 (B) of the Town Code.

12. The Planning Board finds that, given the lot area of the subject property is 26,153 sq. ft., the proposed use will prevent the orderly and reasonable use of adjacent properties due to the necessary construction and maintenance necessary to construct the proposed campanile structure and Personal Wireless Service Facility.

13. For these reasons, the Planning Board finds that the applicant has not met the standards present in §§ 255-5-40, 255-5-50, and 255-2-90 of the Town Code.

G. DISPOSITION OF APPLICATION

The application is denied as described herein, subject to any conditions or modifications specified in § H below.

1. TYPE OF APPROVAL DENIED:

- (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 DENIED USE: Personal Wireless Service Facility

3. DESCRIPTION OF DENIED WORK To construct a new Personal Wireless Service Facility (PWSF) consisting of nine (9) antennas, eighteen (18) remote radio heads and associated equipment. Also proposed is a GPS unit and 15 kW emergency generator with all equipment to be situated within a new 50' tall campanile structure.

DATED: July 22, 2020

cc: Kimberly R. Nason, Esq.
Phillips Lytle, LLP
One Canalside
125 Main Street
Buffalo, NY 14203-2887

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

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

In the Matter of the Application

of

**RESOLUTION
AMENDING
APPROVAL**

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

ADOPTED: 7 / 22 / 2020

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: Personal Wireless Service Facility approved by resolution dated March 11, 2020

PROPERTY LOCATION: 850 Montauk Highway, Montauk

PROPOSED AMENDMENT: To correctly identify the height of the screening enclosure as 6' 11" as noted on the approved plans as opposed to 6' in height as noted in the original resolution of approval.

MODIFICATION AS APPROVED: To change Section A.3 (description of proposed work) and Section G.3 (description of approved work) to state:

“To construct a new Personal Wireless Service Facility (PWSF) 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' 11" tall screening enclosure.

REASONS SUPPORTING MODIFICATION: This modification merely corrects a scrivener's error in the original resolution. The plans approved by both the Planning Board and the Architectural Review Board reflect the correct proposed height of 6' 11"

APPROVED PLAN AS MODIFIED: N/A

CONDITIONS TO MODIFICATION: N/A

DATED: July 22, 2020

cc: Simone M. Freeman, Esq.
Amato Law Group, PLLC
666 Old Country Road, Suite 901
Garden City, NY 11530

Planning Department
Building Inspector

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

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

In the Matter of the Application

of

**EXTENSION
OF TIME**

**FISCHER ADDITIONS, PORCH AND PATIO
SITE PLAN
SCTM #300-17-1-10**

ADOPTED: 7 / 22 / 2020

1. By resolution adopted August 25, 2010, and subsequently modified February 9, 2011, and extended June 27, 2012, June 26, 2013, August 6, 2014, June 10, 2015, May 11, 2016, and April 19, 2017; (the "Resolution"), the Planning Board granted site plan approval to the above-mentioned application, subject to various conditions.

2. By form dated received April 24, 2020, Britton Bistran, agent for the applicant, has informed the Planning Board that additional time is needed within which to obtain a certificate of occupancy and has requested an extension of time.

3. Based upon the foregoing, the Planning Board hereby extends the time within which the applicant must comply with the conditions of the Board's resolution in one-year increments within which to obtain a building permit, or until August 9, 2020.

4. In all other respects, the original Resolution of approval as extended is hereby reaffirmed.

DATED: July 22, 2020

cc: Britton Bistran
P.O. Box 2756
Amagansett, NY 11930

Planning Department
Building Department

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

Upon motion duly made and seconded the meeting was adjourned at 10:20 PM.