

PLANNING BOARD MEETING

August 9, 2023

Present at the meeting: Chairman Samuel Kramer, Vice Chair Ian Calder-Piedmonte, Members, Louis Cortese, Michael Hansen, Ed Krug, Sharon McCobb and Randall T. Parsons and Counsel Nancy Marshall, and Assistant Director Tina Vavilis LaGarenne, and Secretary Jodi Walker, and Office Assistant Joselyn Calle Chimbo, and several other interested persons.

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

OTHER:

WIRELESS MASTER PLAN

Housing Director Schantz gives an overview.

The East Hampton Planning Board (the “Board”) discussed the Draft Wireless Master Plan (the “Plan”) at its work sessions on July 26 and August 9, 2023. Representatives from the Town’s wireless consulting firm, Cityscape, give a presentation and, with the Planning Department, answered questions from the Board.

In response to Board inquiries, Cityscape and the Planning Department that one of the goals of the Plan was 100% in-building coverage and capacity. The Board discussed whether “in-building” coverage in open spaces and areas of parklands, including Barcelona Neck and Cedar Point County Park is truly needed, but acknowledged that Federal Law requires coverage gaps to be filled.

The Board does not see the need to construct new, tall towers to provide in-building coverage in such areas, where there are few, if any, buildings, and no residences. It was the consensus of the Board that the Plan should not recommend the construction of any unneeded infrastructure.

The Board also had a lengthy and detailed discussion about the coverage gaps identified in the report and the potential new “macro sites” which are recommended to fill the existing coverage gaps. The Board discussed the potential difficulty with finding any alternative sites as well as the height or design of towers within these areas at the time of future site plan applications.

The Board would like the Town Board to consider, through the Draft Wireless Master Plan, whether fewer tall towers in less-obtrusive locations could be utilized to reduce the potential adverse impact of new towers in the currently-recommended areas, and whether other alternatives which might prevent the need for new macro wireless facilities in residential neighborhoods, in particular, that may have a significant adverse impact on the community.

WORK SESSION:

1. 404 MONTAUK HIGHWAY SITE PLAN SCTM #300-189-1-6.1

Assistant Director Vavilis LaGarenne gives an overview and presents plans. The location of the enclosure is appropriate. Additional landscaping is not necessary. Due to the small size of the structure, the board does not find is necessary to hold a public hearing. The application is ready for approval.

2. DEVON YACHT CLUB SITE PLAN

SCTM #300-49-3-16

Assistant Director Vavilis LaGarenne gives an overview and presents plans. The applicant should submit the valuation analysis and previous special permit approval if available. A covenant capping membership at the current level will be made a condition of approval. The applicant anticipates working with the Town Attorney’s office to ensure that the meaning of membership in any potential covenant is clear. The proposed action is a Type I action pursuant to SEQRA requiring a Full Environmental Assessment Form and coordinated environmental review with involved agencies. The applicant should address the Planning Department comments regarding the FEAF. The applicant should provide analysis that shows what the potential long-term impacts regarding site hydrology and grade changes could be. With respect to the area formerly containing the staff residence, the applicant should seek to restore that to wetland habitat, with the ultimate objective of making that space an intergral part of the wetlands systems existing on-site. The applicant should address the Planning Department comments regarding construction protocol including specific attention to truck traffic in residential areas. The applicant should review the new GFA in the setback areas and provide an updated table to confirm variances requested based on this information. The applicant should submit more information of the need for the grading on the dune and the flagpole/decking located 0 feet from the dune. The applicant should submit visual renderings that show the aesthetic changes in the site before and after the proposed project from public vantage points. The board is not ready to make a decision regarding the screening to the west of the Club House at this time

The applicant should clarify their sanitary calculations and inform the Town regarding their conversations with SCDHS regarding these. The applicant should take traffic counts to better characterize site operations. The applicant should seek solution for the parking deficit on-site and better explain how this deficit is currently managed. The applicant should explain their plan for staff parking. The applicant should further explain how their use of Town right-of-way does not impact public parking or beach vegetation in Town owned areas. The applicant should seek Highway Department comments on the proposed site driveway. The applicant should obtain comments from the Amagansett Fire Department. The applicant should provide noise attenuation details for the proposed generator. The applicant should revise the lighting plan to meet the Town’s lighting guidelines. The applicant should provide information on underground storage tanks (USTs) on-site.

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

**395 PANTIGO ROAD
PRELIMINARY SUBDIVISION
SCTM #300-189-1-4**

**CONDITIONAL
PRELIMINARY
SUBDIVISION
APPROVAL**

ADOPTED: 8 / 9 / 2023

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 the public hearing on the application, and inspection of the subject property.

A. PROJECT DESCRIPTION

- 1. NATURE OF APPLICATION:** Preliminary subdivision application pursuant to Chapter 220 (Subdivision of Land) of the East Hampton Town Code.
- 2. OWNER OF PROPERTY:** Town of East Hampton
- 3. SIZE OF PROPERTY:** 12.02 acres
- 4. NUMBER OF LOTS PROPOSED:** 16 single-family residential lots, CPF open space (three areas)
- 5. SIZE OF PROPOSED RESERVED AREA:** Five acres to be dedicated to the town in the northern part of the project site, one reserve area of 0.5 acres on the southwest portion of the site and one reserve areas of 0.3777 acres on the southeast portion of the site.
- 6. SIZE OF PROPOSED AGRICULTURAL RESERVED AREA:** N/A
- 7. PREPARER OF PROPOSED MAP:** Gary Benz
- 8. DATE OF PROPOSED MAP:** July 13, 2023
- 9. DATE OF PUBLIC HEARING ON APPLICATION:** June 7, 2023

B. PROPERTY LOCATION AND DESCRIPTION

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-189-1-4
- 2. STREET LOCATION:** Pantigo Road (Montauk Highway)
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The parcel is vacant but formerly contained a single-family residence which was constructed before the adoption of zoning. This building was condemned for structural safety reasons in 2020. The property is otherwise unimproved and mostly un-cleared of naturally occurring vegetation. The native habitat type is characteristic of mixed, but primarily deciduous, woodland vegetation. The topography is varying with areas of relatively steep slopes and the altitude above sea level gradually increasing northward.

C. ZONING CLASSIFICATION

- 1. ZONING DISTRICT:** A5: Residence
- 2. ZONING OVERLAY DISTRICT:** Affordable Housing Overlay District

D. SEQRA REVIEW

- 1. SEQRA CLASSIFICATION:** Unlisted
- 2. LEAD AGENCY:** Planning Board
- 3. DETERMINATION OF SIGNIFICANCE:** Negative Declaration
- 4. DATE OF DETERMINATION:** May 3, 2023

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. This application was referred to the Suffolk County Planning Commission (SCPC) who in comments dated July 25, 2023, indicated that the proposed subdivision is considered to be a matter for local determination.
2. By letter dated February 17, 2023, the Office of Fire Prevention stated that no further review for fire-fighting purposes was required.

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 satisfies the general policy and requirements of §§ 220-1.05 (A) through (N) of the Town Code.
2. The application meets the requirements of preliminary plat submission enumerated in § 220-2.08 of the Town Code.
3. The application meets the requirements of §§ 220-1.06 (A) through (J) of the Town Code.
4. The application adheres to the design criteria enumerated in Article III of Chapter 220 of the Town Code.

G. DISPOSITION OF APPLICATION

Preliminary subdivision approval is hereby granted to the Map as described herein, subject to any conditions or modifications specified in § H below.

- 1. NAME OF APPROVED MAP:** Subdivision Map of 395 Pantigo Road
- 2. PREPARER OF APPROVED MAP:** Gary Benz, L.S.
- 3. DATE OF APPROVED MAP:** Dated last revised July 13, 2023

H. CONDITIONS OF APPROVAL

The conditional preliminary subdivision approval hereby granted is contingent upon full compliance with the conditions set forth in this section.

1. Written approval of the Suffolk County Department of Health Services shall be obtained and provided to the Planning Board.
2. Written approval from the East Hampton Fire Department shall be obtained and provided to the Planning Board.
3. Written approval of the New York State Department of Transportation, a letter of non-jurisdiction, or similar documentation verifying that the proposed access and curb cut are within compliance with the regulations of this involved agency shall be obtained and provided to the Planning Board.
4. A Storm Water Pollution Prevention Plan shall be prepared and submitted to the New York State Department of Environmental Conservation and a State Pollutant Discharge Elimination Systems (SPDES) General Permit for Stormwater Discharges from Construction Activity shall be obtained and provided to the Planning Board.
5. In accordance with the requirements of the Suffolk County Department of Health Services (SCDHS), notations should be added to the map which indicate that covenants and restrictions have been filed along with the approved final map. Specifically, the following should be numbered and listed on the final map:
 - a. “There shall be no conveyance of any lot unless public water is extended thereto in accordance with the approved plans on file with the SCDHS. This shall not prevent a conveyance of the entire subdivision subject to this covenant.”
 - b. “There shall be no further division of any of the lots in this Map and said lots shall remain as shown on the subdivision Map.”
 - c. “Areas designated and designed as Open Space as shown on the Map shall be sterilized and remain as open space for the express purpose of protecting the aquifer and water supply and shall be kept in its natural state, in perpetuity, excepting only property maintenance activities as may be appropriate to effectuate the foregoing purposes without

impairing the essential nature and open character of the premises. This does not preclude the use of open space area for passive recreational purposes.”

6. The Map shall be revised at final submission to contain 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. "The lots in the map are subject to the residential clearing restrictions of the Town Code. "
- c. "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."

I. VALIDITY OF APPROVAL

The foregoing constitutes this Board's conditional preliminary subdivision approval for the "395 Pantigo Road." If any condition of this resolution is not met, the preliminary subdivision approval hereby granted shall become void and of no effect.

DATED: August 9, 2023

cc: Eric Schantz
Director of Housing and Community Development
159 Pantigo Road
East Hampton, NY 11937

Planning Department
Building Inspector

Mover: Louis Cortese
Seconder: Michael Hansen
Ayes: Samuel Kramer, Ian Calder-Piedmonte, Sharon McCobb, Randall T. Parsons,
Michael Hansen, Louis Cortese, Ed Krug

Upon motion duly made and seconded the meeting was adjourned at 9:35 PM.