

1. March 11, 2020 Agenda

Documents:

[0311.PDF](#)

2. Subwaiver Review - Cohen Tepper LLM

Documents:

[COHEN TEPPER LLM12682620200306143452.PDF](#)

3. Site Plan Review - Shared Generator Program

Documents:

[SHARED GENERATOR PROGRAM SP12680520200306132809.PDF](#)

4. Site Plan Review - Sprint Spectrum At SCWA

Documents:

[SPRINT SPECTRUM AT SCWA12681020200306133318.PDF](#)

5. Site Plan Review - Wallace Delaney Residence

Documents:

[WALLACE DELANEY RESIDENCE12680320200306131947.PDF](#)

**PLANNING BOARD  
TOWN OF EAST HAMPTON**

**AGENDA FOR MEETING OF:**

**March 11, 2020**

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**Board of Review:**

**Planning Board:**

**REGULAR MEETING**

**SUBDIVISIONS:**

Three Mile Harbor Vista II Minor Subdivision    Approval

Krug/Springs

**SUBWAIVER:**

**SITE PLAN:**

Verizon Wireless  
at Montauk Community Church PWSF

Approval

McCobb/Montauk

**OTHER:**

Adoption of Minutes: March 4, 2020

**URBAN RENEWAL:**

**COMPREHENSIVE PLAN:**

**OLD FILED MAPS:**

**PUBLIC HEARINGS:**

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**PLANNING BOARD  
TOWN OF EAST HAMPTON  
WORK SESSION:  
March 11, 2020**

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**SUBDIVISION REVIEW:**

**SUBWAIVER REVIEW:**

Cohen-Tepper LLM

McCobb/Pahwul/East Hampton

**SITE PLAN REVIEW:**

Shared Generator Program  
Sprint Spectrum LP at SCWA PWSF Modification  
Wallace-Delaney Residence

McCobb/Schantz/Amagansett  
Calder-Piedmonte/Schantz/Montauk  
Cortese/Mubassirah/Montauk

**COMPREHENSIVE PLAN:**

**ZONE CHANGES:**

**OTHER:**

**URBAN RENEWAL:**

**OLD FILED MAPS:**

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# TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
JoAnne Pahwul, Director, AICP

Telephone (631) 324-2178  
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March 6, 2020

**To:** Planning Board

**From:** JoAnne Pahwul, AICP  
Assistant Planning Director

**Re:** Cohen/Tepper Lot Line Modification  
SCTM#300-167-3, 14, 15, 16, & 17

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**Last Review Date:** December 4, 2019

**Items and Date Received:** The following was received on December 27, 2019 and February 28, 2020

- Revised survey prepared by Saskas Surveying Co., P.C. and dated February 27, 2020;
- Revegetation Plan (101) prepared by Due East Planning Inc. and dated December 6, 2019;
- Copy of filed scenic easement;
- Copy of filed road widening easement.

**Background Information:**

Application is made to revise the lot lines of two Urban Renewal parcels located in a B Residence zoning district on Town Lane and Royal Street. An area of 4,000 sq. ft. is proposed to be transferred from Lot 2 to Lot 1. Lot 1 is improved with a two story residence and Lot 2 is vacant. The Urban Renewal Map Study requires a scenic easement along Town Lane and 10' road widening easements along Royal Street.

During the initial review, the Planning Board requested the following additional information:

- The map should be revised to indicate the square footage of the scenic easement, and the lot area calculations should clarify that the road widening easement is not included;
- A revegetation plan for the clearing within the easement;
- A copy of the existing or proposed easements;
- Current ownership of the lots.



### **Issues for Discussion:**

#### **Lot Area Calculations**

The lot area calculations were updated to exclude the area of the road widening easement and also to add a 7.5' strip of Royal Street, an urban renewal street. With these revisions, the lot area of Lot 1 will be 17,289 sq. ft., excluding the area of the road widening easement and Lot 2 22,283 sq. ft., after excluding the area of the road widening easement and incorporating a portion of Royal Street into the lot area.

However, the Old Filed Map call for the northerly half of the 30' wide right of way of Royal Street to be opened as access to SCTM#300-167-3-20.9 and the southerly half of the right of way being abandoned. A driveway to lot 20.9 already exists in this 15' wide strip and the survey shows that it is within the area that the applicant wants to abandon, so would require the relocation of this driveway. It would also require a hearing and the notification of the property owner who is currently slated to acquire the entire 15' strip.

The applicant's proposal would also require a modification of the UR map to keep the center 15' of the 30' wide right of way open and the abandonment of 7.5' of the right of way to the north and 7.5' to south, rather than abandon to the center line. This would be an exception, as Old Filed Map abandonments are set so as each adjoining lot has a right

to abandon to the centerline, except where driveways are required. It is noted that there is another example of this proposal occurring in this map.

With the subtraction of the road widening easement, the lot area of Lot 2 became 19,690 sq. ft. or less than the 20,000 required under zoning and would have required a variance. The other alternative is for the lot to reconfigure the lot lines so as to take 310 sq. ft. from Lot 1. The applicant has indicated that this would create difficulty with the approval from the SCDHS and may require approval from the Board of Review.

**Easements & Revegetation**

The map was revised to indicate that the area of the scenic easement is 4,912 sq. ft. and to indicate that the cleared areas of the easement will be revegetated.

A revegetation plan was submitted that shows that 1,050 sq. ft. of the scenic easement on Lot 1 has been cleared and will be revegetated with native shrubs and trees. The revegetation plan appears to be acceptable.

Copies of the 35' wide scenic easement and 10' road widening easement, both filed in 2001 were submitted to the file.

**Conclusion**

As proposed, the proposed lot reconfiguration is dependent on the Town Board modifying the urban renewal map, the notification of the property owner currently slated to acquire the entire 15' wide area of the abandoned road, and the owner of SCTM#300-167-3-20.9 agreeing to relocate an existing driveway.

**Planning Board Consensus:**

The Board should discuss with the applicant whether the lot line modification can be accomplished without a modification of the urban renewal map.

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

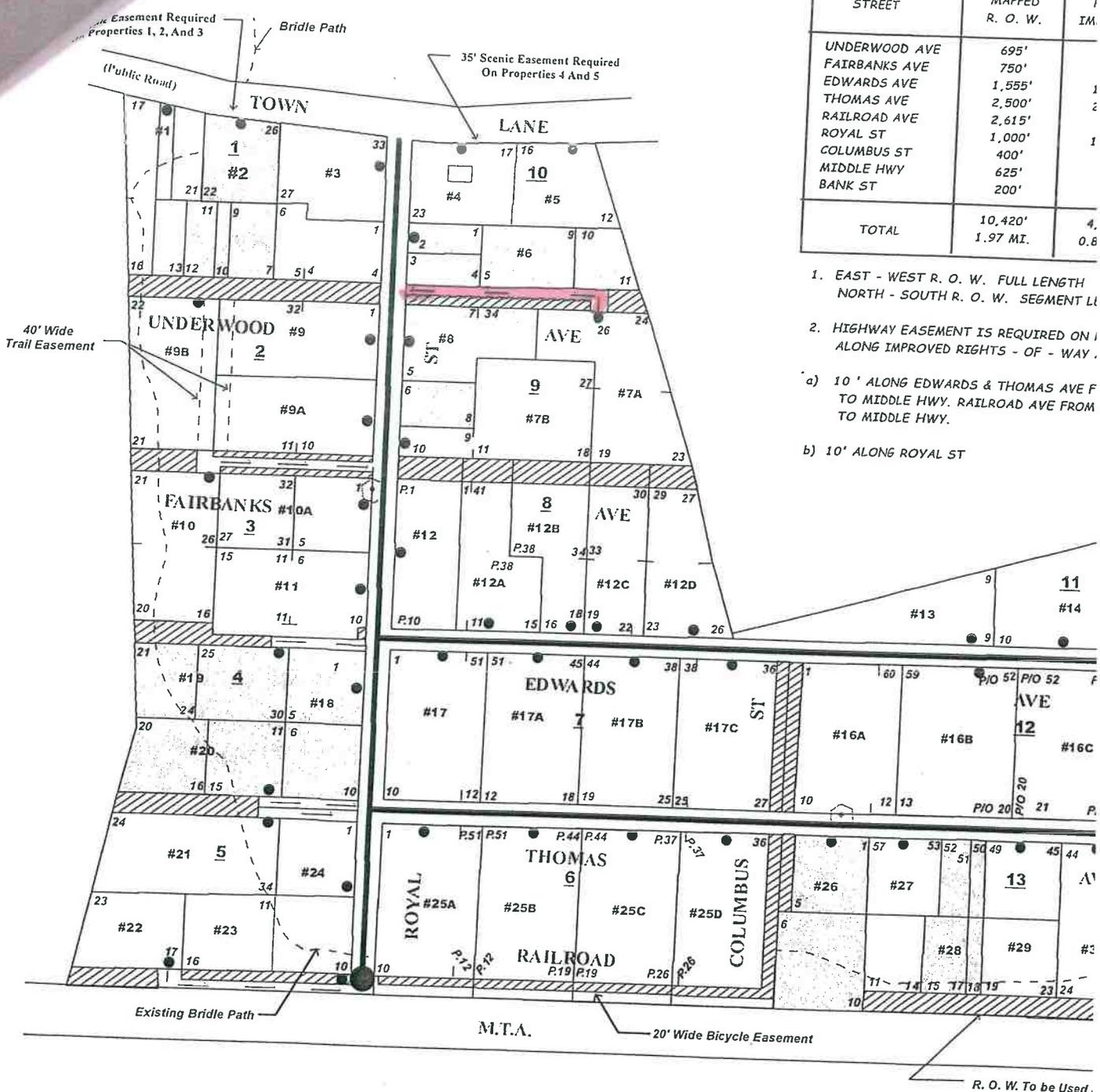
**Additional Board Comments:**

\_\_\_\_\_  
\_\_\_\_\_

MAP NO. 501  
MONTAUK VILLA PARK

STREET	MAPPED R. O. W.	IM.
UNDERWOOD AVE	695'	
FAIRBANKS AVE	750'	
EDWARDS AVE	1,555'	1
THOMAS AVE	2,500'	2
RAILROAD AVE	2,615'	
ROYAL ST	1,000'	1
COLUMBUS ST	400'	
MIDDLE HWY	625'	
BANK ST	200'	
TOTAL	10,420'	4.08

- EAST - WEST R. O. W. FULL LENGTH  
NORTH - SOUTH R. O. W. SEGMENT LI
- HIGHWAY EASEMENT IS REQUIRED ON I  
ALONG IMPROVED RIGHTS - OF - WAY .
- 10' ALONG EDWARDS & THOMAS AVE F  
TO MIDDLE HWY. RAILROAD AVE FROM  
TO MIDDLE HWY.
  - 10' ALONG ROYAL ST



GENERAL NOTE:  
ALL ROADS AND DRAINAGE IMPROVEMENTS  
ARE TO BE MADE IN ACCORDANCE WITH  
SECTION 220 OF THE TOWN CODE.

MONTAUK VILLA PARK  
MAP NO. 501  
RESIDENCE DISTRICT B EX  
HIGHWAY IMPROVEMENT & MAINTENANCE



# TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
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Director

Telephone (631) 324-2178  
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March 5, 2020

**TO:** Planning Board

**FROM:** Eric Schantz  
Senior Planner *ES. JP*

**RE:** Shared Generator Program - Site Plan  
SCTM# 300-150-3-16.5

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**Last Review Date:** July 10, 2019

**Items and Date Received:** Noise report

**Background Information:** Site plan application has been made to locate a 192 sq. ft. (16' X 12') generator and associated cabling and equipment within an existing equipment area for the personal wireless service facility (PWSF) located at the Amagansett Fire House property.

The parcel is zoned A: Residence and is situated on Main Street in Amagansett. It is owned by the Amagansett Fire District. The existing cell tower was issued a building permit in 2004. The tower also contains equipment for the Town and the Amagansett Fire Department. It is 100% cleared of naturally-occurring vegetation.

Pursuant to SEQRA and Chapter 128 of the Town Code the proposed project is a Type II action.

## **Issues for Discussion:**

### **Noise**

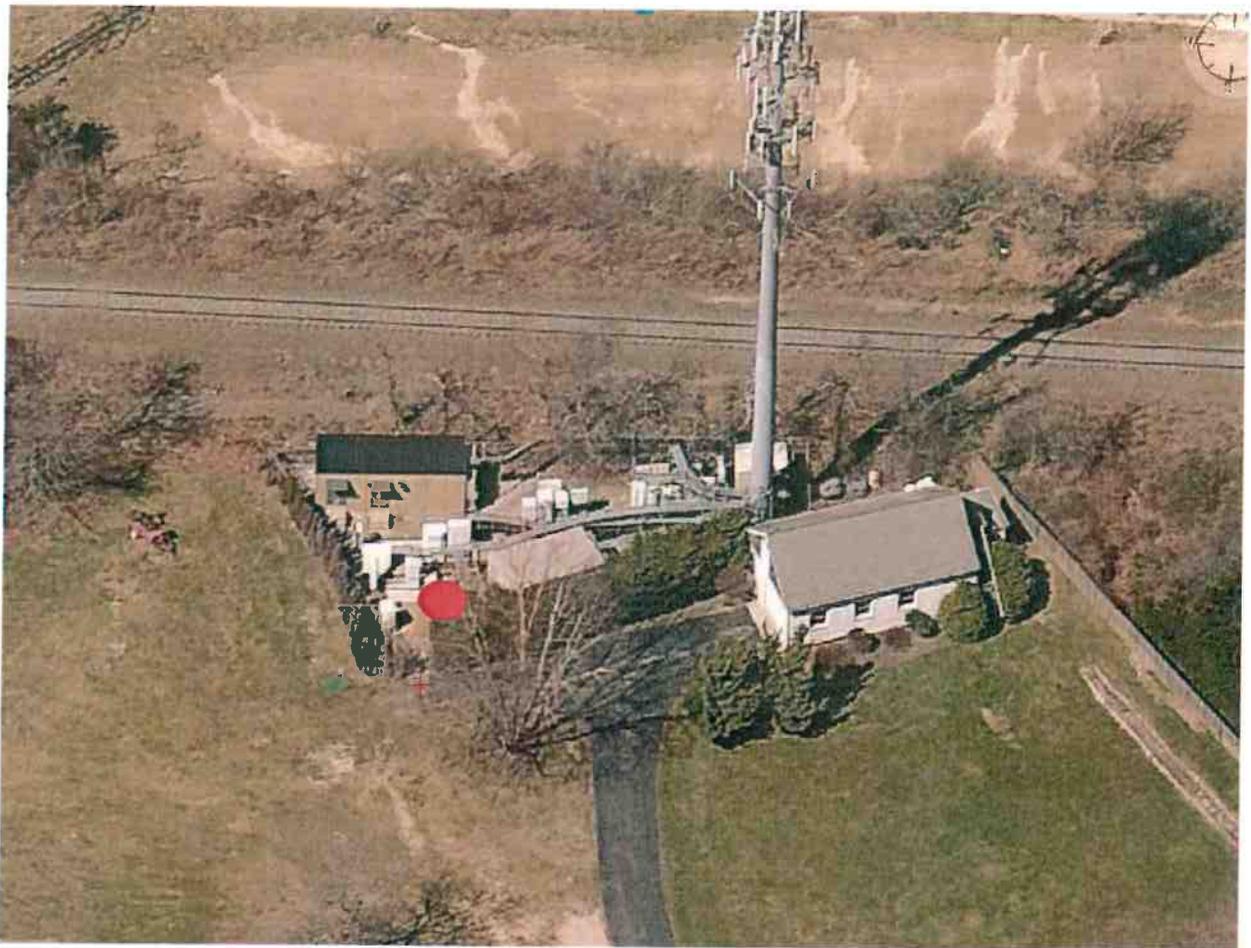
At the time of the previous review the only outstanding issue was that the proposed generator could not meet the noise standards of Chapter 185 of the Town Code. A report was submitted but this report did not demonstrate compliance.

The property and the properties to the north are both zoned residential. The maximum allowable nighttime sound level at a frequency band of 63 Hz is 73 dB. The proposed generator operates at a frequency of 60 Hz both in full power and standby modes.

The applicants performed a sound test by temporarily bringing the proposed generator to the site and taking sound readings at four different locations on-site, including in close proximity to the generator, which has been provided a sound attenuating enclosure. The maximum measurement was 59 dB. Therefore, it appears that they are in compliance with the noise standards.

### **Landscaping/Screening**

The generator is proposed in an existing equipment area over 400' from Main Street and currently partially screened by an evergreen hedge. The applicants and the Board may wish to discuss whether or not any additional screening is needed. It does appear based upon site inspection that the proposed location for the generator is already adequately screened as it is within an existing fenced-in equipment compound and screened by a large evergreen hedge.



**Approximate location of proposed generator**

### **Groundwater Protection**

The site is not situated within any special groundwater protection zones. However, the Board may wish to discuss with the applicants if the proposed concrete pad can be designed to collect potential spills. It is noted though that the generator has a double-

walled design to collect spills. Capacity of the proposed generator is 300 Gallons of diesel fuel.

**Minor Site Plan**

Pursuant to section 255-6-45 the proposed project qualifies as a minor site plan meaning that the Board can elect to waive the public hearing requirement. The Board should form a consensus on whether or not a public hearing will be required.

**Conclusion**

In conclusion, the Board should decide if any additional information or changes to the plans are required as well as whether or not to require a public hearing.

ES

**Planning Board Consensus**

*Is any additional information pertaining to screening, groundwater protection or any other issue required at this time?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

*Will a public hearing be required?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

**Additional Board Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF EAST HAMPTON

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Director

Telephone (631) 324-2178  
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February 19, 2020

**TO:** Planning Board

**FROM:** Eric Schantz   
Senior Planner

**RE:** Sprint Spectrum L.P @ SCWA (originally: Nextel, LIN Cellular, Sprint @ SCWA) Personal Wireless Service Facility (PWSF) – Site Plan/Special Permit Modification II  
SCTM# 300-16-2-13  
Flamingo Road & Fairmont Avenue, Montauk

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**Last Review Date:** Modification approved April 9, 2014

**Items and Date Received:** 01/13/20 Applicant submission; cover letter re: Ten (10) sets of PWSF Modification Request form, Ten (10) Lease Agreement, including 1st and 2nd amendments thereto, between SCWA and Sprint; Ten (10) copies of inventory of Sprint's existing sites within the Town of East Hampton, Ten (10) color set of equipment brochures for Sprint's proposed antennas, appurtenances, and equipment, Ten (10) sets of Color photos showing views of the existing water tank with antennas as well as Sprint's equipment shelter at the subject premises; Ten (10) Affidavit of compliance, together with August 8, 2019 Antenna Site Fcc RF Compliance Assessment and Report, prepared by Pinnacle Telecom Group; Ten (10) copies of Structural Analysis, prepared by James P. Westbrook, and dated December 10, 2019 (rev.2); and Ten (10) copies of drawings prepared by Westchester Services LLC, dated November 20, 2019 (Rev.4)

**Background Information:** Application has been made to modify an existing Personal Wireless Service Facility (PWSF) by removing three (3) existing panel antennas and replacing them with three (3) new antennas, adding three (3) new remote radio heads, and modifying arm mounts and installing other associated equipment on a 100' tall water tower.

The subject parcel is situated in Montauk and is zoned PC: Parks & Conservation & Water Recharge Overlay District. It is the site of a Suffolk County Water Authority water tower (the antenna mounting structure). Surrounding uses are primarily residential.

**Issues for Discussion:**

**Visual Impacts**

The applicants have submitted an elevation drawing showing the general appearance of the proposed antennas, which are 5', 7" in height and dimensionally and aesthetically similar to the existing antennas. They have also submitted numerous photos of the existing facility. The Board should determine whether or not any additional information pertaining to potential adverse visual impacts should be submitted at this time.

It is noted that as a continuing condition of approval, all new equipment must be painted to match the color of the water tower to reduce potential visual impacts.

**RF Engineer's Report**

The applicants have submitted an RF Engineer's report prepared by Pinnacle Telecom Group dated August 8, 2019 which verifies that the proposed changes to the facility will be in compliance with Federal Communications Commission standards.

**Structural Analysis**

The applicants have submitted a structural analysis prepared by James P. Westbrook dated December 10, 2019 which verifies that the water tower and arm mounts can accommodate the proposed equipment.

**Minor Site Plan**

Pursuant to §255-6-45 Tier II personal wireless service facilities applications are classified as minor site plans. As such, the Board may choose to waive the public hearing requirement. The public hearing for the previous modification application was waived by the Board.

**Conclusion**

In conclusion, the Board should discuss the aforementioned issues with the applicants and determine if any additional information needs to be submitted. If no additional information is needed, then the application is complete and the Board should decide whether or not a public hearing will be held.

ES

**Planning Board Consensus**

*Does the Board feel that any additional information pertaining to potential visual impacts should be submitted?*

Additional comments: \_\_\_\_\_

*Does the Board wish to waive the public hearing requirement at this time?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

**Additional Board Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





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## SITE PLAN/SPECIAL PERMIT EVALUATION

Wallace & Delaney Residence

SCTM#300-17-1-10

App#: A52020007

Prepared by: Fabiha A. Mubassirah, Planner

F.M.

Date: March 04, 2020

### 1. APPLICATION INFORMATION

#### A. INFORMATION RECEIVED:

- Short Environmental Assessment Form (EAF) dated February 13, 2020;
- Septic Site Plan by TF Engineering, PLLC dated January 12, 2020;
- Plot 1 Architectural filing set: Existing Site (A101), Existing House Plans (A102), Existing Elevations ((A103), Proposed Site (A104), Basement Entry level (A105), Loft/Roof Plan (A106), Elevations (A107 & A108) dated November 27, 2019;
- Site Plan/Survey by Saskas Surveying Co. dated December 20, 2019.

**B. DATE SUBMITTED:** February 14, 2020

**C. OWNER:** Blair Wallace & Jessica Delaney

**D. APPLICANT/AGENT:** Britton Bistran

**E. SCHOOL DISTRICT:** Montauk

**F. STREET NAME:** 82 Fleming Road Montauk

**G. TYPE OF STREET:** Town

**H. ZONING DISTRICT:** RS: Resort Zoning District

**I. SEQRA - TYPE OF ACTION:** Type II

**J. INVOLVED AGENCIES:** Zoning Board of Appeals (ZBA), Architectural Review Board (ARB)

**K. OTHER REVIEW:** Suffolk County Department of Health Services (SCDHS)

## 2. DESCRIPTION OF PROJECT

- A. **PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE:** Single-family residence
- B. **EXISTING USE(S) AS CLASSIFIED BY TOWN CODE:** Single-family residence
- C. **ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE?** Expansion of single family residences require special permit use in the RS (Resort) zone
- D. **AREA OF PARCEL (SQUARE FEET):** Area to tie line: 13,219 sq. ft. and area to bluff crest: 9,359 sq. ft.
- E. **MOST RECENT CERTIFICATE OF OCCUPANCY:** None
- F. **DESCRIPTION OF EXISTING STRUCTURES:** 944 sq. ft. 1-story residence, 320 sq. ft. garage, small shed, concrete patio, stone driveway, staircase at bluff crest.  
2010 approved structures- 210 sq. ft. non-conforming additions to existing residence, 54 sq. ft. of non-conforming entry porch and 287 sq. ft. of non-conforming brick in sand patio.
- G. **DESCRIPTION OF PROPOSED STRUCTURES:** renovate existing residence and addition of 1212 sq. ft. (one and two floor), 606 sq. ft. of basement, 404 sq. ft. deck, remove 160 sq. ft. of residence and 320 sq. ft. existing garage and install new I/A septic system.
- H. **EXISTING & PROPOSED LOT COVERAGE:**  
Existing: 13.73%, Proposed: 19%
- I. **EXISTING & PROPOSED TOTAL COVERAGE:**  
Existing: 32.98%, Proposed: 38.24%
- J. **HEIGHT OF PROPOSED STRUCTURES:** ~ 24'2 1/2"
- K. **NUMBER OF STORIES OF PROPOSED STRUCTURES:** Two (2)
- L. **NUMBER OF EXISTING PARKING SPACES:** Four (4)
- M. **NUMBER OF PARKING SPACES REQUIRED:** Two (2)
- N. **TOTAL PARKING SPACES PROVIDED:** Two (2)
- O. **VARIANCES REQUIRED:** A Natural Resource Special Permit pursuant to §255-4-20 and Variances from §255-4-40 Coastal Setback, §255-4-30 Wetland Setback and §255-11-10 Dimensional Regulations of the Town Code.
- P. **DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** Existing: to be determined. Proposed: information to be submitted
- Q. **DISTANCE TO PUBLIC WATER:** at Fleming Road
- R. **SOURCE OF WATER SUPPLY:** Public
- S. **TYPE OF SANITARY SYSTEM:** Individual Sanitary System
- T. **ARE EXISTING & PROPOSED SANITARY SYSTEMS DEPICTED:**  
Yes
- U. **DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** See discussion
- V. **NUMBER OF ACCESS POINTS:** One (1)

- W. IS SIGHT DISTANCE ACCEPTABLE? To be determined
- X. IS THE PROPOSAL ADA COMPLIANT? To be determined

3. **SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)**

- The plans need to be revised to reflect the title of the site plan
- Renewal of prior approvals
- Natural Resource Special Permit
- Request of Variance from ZBA
- Revegetation Plan

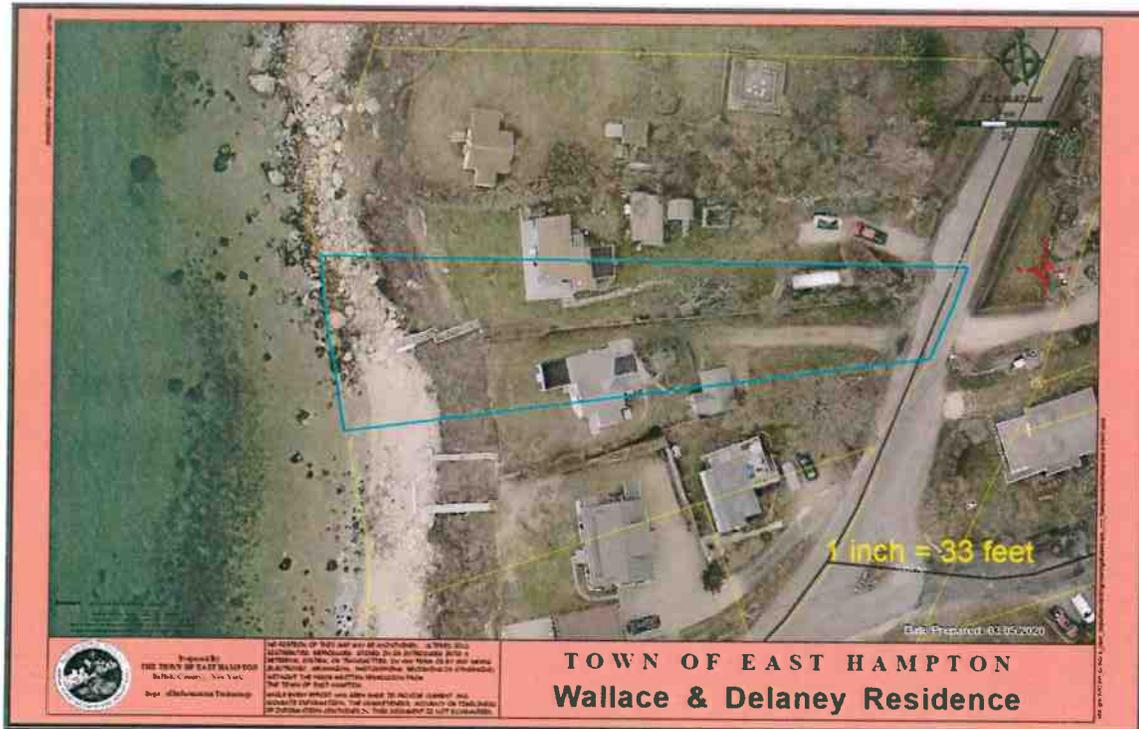
4. **SITE ANALYSIS:**

- A. **SOIL TYPE:** BhC: Bridgehampton silt loam, till substratum, 6-12 percent slopes
- B. **FLOOD HAZARD ZONE:** Zone X; partial VE Zone west of bluff crest
- C. **DESCRIPTION OF VEGETATION:** 100% cleared east of bluff crest
- D. **RANGE OF ELEVATIONS:** (24.9) – (29.2)
- E. **NATURE OF SLOPES:** 0' to ~30' AMSL
- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Fort Pond Bay
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** The site front on Fort Pond Bay
- H. **ARE THERE TRAILS ON SITE?** No
- I. **DEPTH TO WATER TABLE:** ~22' from 24' elevation; highest expected ground water on 1' tidal level
- J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- K. **AGRICULTURAL DATA STATEMENT REQUIRED:** N/A
- L. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	Yes
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

**Other Background Information:**

The property is located on Fort Pond Bay at the intersection of Tuthill Road and Fleming Road in a Resort zoning district (RS) in Montauk. It is 9,359 sq. ft. in lot area (areas seaward of bluff crest deducted), currently improved with a 944 sq. ft. one-story residence, a 320 sq. ft. garage, a small shed, concrete patio and stone driveway. The subject parcel contains stairs from the bluff crest to the bottom of the bluff. The properties abutting the parcel are all zoned RS, but have residences located on them. There is no C.O. on record for this property, the most recent permit was a building permit for a minor (144 sq. ft.) addition granted in 1976.



**Location of the site by Fort Pond Bay**

The site plan application proposes to build a 606 sq. ft. two-story addition (total 1212 sq. ft. of gross floor area) to the existing residence with a 606 sq. ft. basement. A deck approximately 10' x 34' facing Fort Pond Bay and two (2) 77 sq. ft. decks on the south side of the proposed two story addition are proposed. A 160 sq. ft. non-conforming portion of the residence facing Fort Pond Bay and a 320 sq. ft. non-conforming garage will be removed. A new gravel driveway and a low nitrogen I/A septic system have been proposed. The proposed new gravel driveway will replace the existing stone driveway.



**Existing garage to be removed**



**Existing stone driveway to be replaced by gravel driveway**



**The non-conforming portion of the residence to be removed**

## Issues for Discussion:

### Special Permit Use

The use is classified as the enlargement of a single family residence and represents a special permit use in Resort zoning district. The following special standards in §255-5-50 of the Town Code apply to the proposal.

#### SINGLE-FAMILY RESIDENCE or ENLARGEMENT OF SINGLE-FAMILY RESIDENCE

- (1) Where the use proposed is the enlargement of a single-family residence, the Planning Board may require proof that the residence lawfully preexists any provision of this chapter which makes it **nonconforming**.
- (2) The Planning Board shall not issue a special permit for **construction** or enlargement of a single-family residence unless the Board specifically finds the construction or enlargement will not interfere with the future orderly development of the property involved, according to the existing zoning, or with the orderly growth of the surrounding area according to the existing zoning. In making this determination, the Planning Board shall be particularly careful to ensure that the proposed construction or enlargement will not create or contribute to traffic safety problems, problems with on-site or on-street parking, overcrowding of the surrounding area or visual impairment of the area should the residence be later converted to a permitted or specially permitted use other than a single-family residence.
- (3) These standards and safeguards shall not be deemed to apply to the issuance of a natural resources special permit for construction or enlargement of a single-family residence.

### Previous Applications

A prior site plan approval (2010) named “Fischer Additions, Porch & Patio Site Plan/Special Permit Modification” granted approvals from the Planning Board to build three (3) separate additions: 49 sq. ft., 141 sq. ft. and 100 sq. ft. to the existing residence. Further improvements included a 287 sq. ft. brick and sand patio. as well as a 54 sq. ft. covered porch entry. The applicants also proposed to replace the existing sanitary system with a conventional system and to establish a 5’ wide no-mow buffer along the bluff crest.

A determination filed April 20, 2010 for these improvements by the ZBA granted the previous applicants a Natural Resources Special Permit (NRSP) pursuant to §255-4-20 and variances from §255-4-40 (Coastal setbacks), §255-11-72 D (Height), §255-4-30 (Wetland setbacks) and §255-11-10 (Dimensional Regulations) of the Town Code. The following six (6) variances were granted- variances of 33’ and 10’ to locate the brick and

sand patio and 100 sq. ft. addition 67' and 90' respectively from the wetlands, where a 100' setback is required; variances of 52' and 39' were granted to locate the patio and 100 sq. ft. residential addition 23' and 36' from the bluff crest, where a 75' setback is required, a 2' pyramid variance was granted to allow the roof line to extend over the pyramid line from the south side, and a 2% variance was granted to allow lot coverage to be 17% where 15% is the maximum.

### **Renewal of Previous Approvals**

The owners' intention to build the improvements has been delayed since the resolution adopted on August 25, 2010. After that, Planning Board, Zoning Board of Appeals and Building Permit approvals were extended yearly until August 09, 2017. No further action has been taken later on the prior approvals. The applicants need to request an extension of the approvals, comply with conditions of the site plan, ZBA approvals and building permit, request inspections and obtain a certificate of occupancy for these improvements.

### **SEQRA**

The project is a Type II Action pursuant to SEQRA and Chapter 128 of the Town Code.

### **Building Coverage Variance**

The square footage of the existing residential building is 1,285 sq. ft. or 13.73% and a 2010 variance granted approval for a building coverage of 1,581 sq. ft. or 17%. The proposed structures will increase the building coverage to 1,778 sq. ft. or 19%, where the maximum permitted building coverage is 1,403 sq. ft. or 15% in a Resort zoning district as defined in §255-1-20 of the Town Code. The applicant will need to obtain a lot coverage variance from the ZBA for increasing building coverage from 17% to 19%, where the maximum permitted in a Resort zoning district is 15%.

### **Yard Setback Relief (Four-Tenths Rule)**

The proposed addition to the residence has been sited following the four-tenths rule of the Town Code §255-1-43 (Yard setback relief) based on having a relatively narrow lot width. The Code states that the required side yards for a non-conforming lot as to lot width shall be reduced to no less than 4/10 times 4/10 or 0.16 times of the lot width. The proposed setbacks provided are 16.9' and 13.8' on the western building line, where 8.73' is required, and 14.2' and 17.4' on the eastern building line, where 7.73' is required. Planning Department finds that the provided setbacks for the new addition of the residence are in accordance with the four-tenths rule of the Town Code.

### **Pyramid Law**

Sheet A108 of the plans indicates that the two story addition will comply with the Pyramid Law.

### **Map Revisions**

The map needs to be revised to provide the setbacks to the proposed structures from the mean high water line (MHW) and from the bluff crest, and not from the toe of the bluff as is currently shown. The dimensions of the proposed deck also need to be shown on the

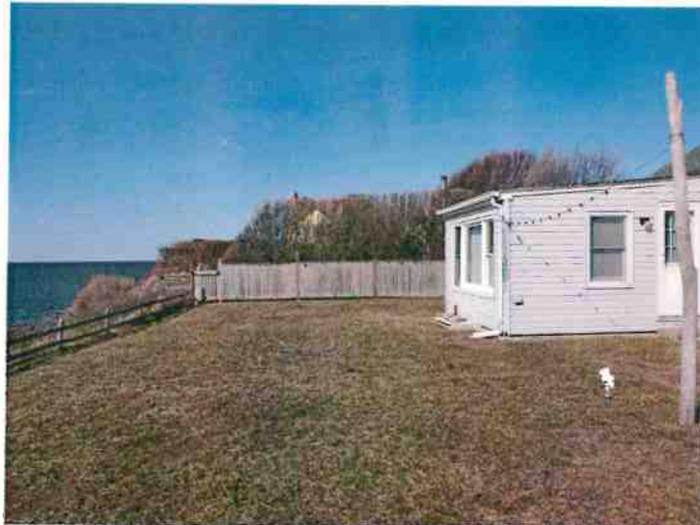
map. Revised plans labeled with the title of the site plan, Wallace/Delaney Residence Site Plan, also need to be submitted.

### **Natural Resources Special Permit**

The applicant has proposed to build a deck and rebuild the existing staircase in the bluff area which fall within the Natural Resources Special Permit jurisdiction of 100' of the bluff crest and 150' of tidal wetlands. Also, §255-4-20 of the Town Code states that constructing or installing any cesspool or septic tank within 200 feet of tidal wetland will require a NRSP; whereas the applicant has proposed a new sanitary system 162.6' from the mean high water line.

### **Natural Resource Setback Variances**

It appears that the applicant proposes to replace brick and sand patio, approved in 2010 but not constructed, with a larger deck. This new proposed deck will trigger the need for new variances due to the fact that the structure is situated roughly 26' from the bluff crest whereas a minimum 75' setback is required. Also, a wetland setback variance is needed as the deck is situated roughly 54.1'' from the mean high water, where 100' setback is required from tidal wetlands.



**The proposed deck will replace the non-conforming portion of the residence; situated roughly 26' from the bluff crest and 75' from the mean high water**

### **No mow Buffer**

Condition (3a) of approval dated on April 20, 2010 from ZBA requires that the applicant establish a 5' no mow buffer landward from the sea. The determination of the ZBA is following-

*"A 5' no mow buffer shall be established landward and abutting the existing bluff crest. The no mow buffer shall be planted with a row of woody vegetation such as bayberry (or a substitute approved by the Board prior to planting) to delineate the landward extent of the buffer.*

During a site visit, it appeared that the no-mow buffer zone is being mowed regularly. Thus, it does not appear that the condition required by the ZBA is being met. The buffer was recommended to help to reduce on-point pollutants, absorb storm water and prevent erosion.

The proposed map depicts an additional 5' no mow buffer that will be added to the prior approved 5' no mow buffer zone, which creates a 10' no mow buffer zone. This area should be delineated on the property by a line of native shrubs or by low fencing to insure it is respected and not mowed. It is noted that the ZBA may impose requirements on this area during review of the variance and NRSP application.



**No mow buffer to be established along the bluff crest fencing**

### **Title of Plans**

All plans submitted for this application, including but not limited to site plans, septic plan, floor and elevation plans, need to be revised to label the title of the project, Wallace/Delaney Residence Site Plan. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

### **Suffolk County Department of Health Services (SCDHS)**

The plans indicate that the applicant will replace the existing sanitary system with a low nitrogen I/A septic system. The addition of new septic system, three new bathrooms and a laundry in the basement will trigger the need for review from the Suffolk County Department of Health Services (SCDHS). The applicants are urged to submit an application to the SCDHS as soon as possible if they have not already done so.

### **Conclusion**

The proposed two story addition and attached decks are proposed landward of the existing residence and meet zoning. The deck at the front of the house appears to require wetland and bluff crest setback variances. The project will increase building coverage

from 17% to 19%, where the maximum permitted is 15%, also resulting in the need for a coverage variance. The Planning Board will not be able to deem the application complete until and unless the applicant obtains these variances.

**Planning Board Consensus**

The Planning Board should advise the applicant as to whether revised plan that indicate the title of the site plan, the dimensions of the proposed decks, and the setbacks from the mean high water line and bluff crest line should be provided.

Additional comments: \_\_\_\_\_  
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The Planning Board should discuss whether a fence or row of native shrubs should be proposed to delineate the no mow zone.

Additional comments: \_\_\_\_\_  
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**Additional Board Comments:**

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