

# PLANNING BOARD MEETING

February 5, 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, Planner Eric Schantz, Counsel Jameson McWilliams and Thomas Crouch, and Secretary Jodi Walker, and several other interested persons.

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

## **WORK SESSION:**

### **1. CMP SJ LOT LINE MODIFICATION SCTM #300-176-8-22, 23**

Planner Schantz gives an overview and presents plans. The applicant should submit a revised map that depicts proposed coverage and clearing calculations, gross floor area calculations, zoning, school and fire district. The scenic easement and covenants and restrictions should be extended over the remaining portion of proposed Lot 2.

### **2. FOUR OAKS BUILDING #1 – SECOND FLOOR APARTMENT SITE PLAN MODIFICATION SCTM #300-5-5-7**

Director Pahwul gives an overview and presents plans. The board agrees to the proposed modification.

## **REGULAR MEETING:**

### **PUBLIC HEARINGS:**

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

Member Parsons reads public hearing notice. Counsel states affidavit of posting and service is in order. Planner Schantz gives an overview. No public comments were heard. A motion is made to close hearing, seconded and approved.

#### **T-MOBILE NORTHEAST LLC HOME SWEET HOME WAINSCOTT SITE PLAN/SPECIAL PERMIT/PWSF SCTM #300-192-2-3.2**

Application will have to be re-noticed. Applicant did not provide affidavit of posting and service.

#### **NEW CINGULAR WIRELESS AT NORTHWEST FIRE STATION SITE PLAN/SPECIAL PERMIT/PWSF SCTM #300-135-2-15.2, 19, 34.2**

Vice Chair Cunningham reads public hearing notice. Counsel states affidavit of posting and service is in order. Planner Schantz gives an overview and presents plans. Kim Nason, attorney for the applicant, gives an overview of the project. Tom Cooper, Long Lane resident, feels Old Northwest Road is a better location as an opportunity site. Chip Dayton, East Hampton resident, is in favor of the proposed location. David Brown, Bull Path resident, has concerns with the aesthetics of the project along with potential health issues. He would prefer a commercial location to be considered. Pamela Leichter, Bull Path resident, does not feel the location is appropriate as the neighborhood is densely populated and also has health issues concerns. She states a cell tower would diminish resale

opportunities. Steve Frohlick, Bull Path resident, is opposed to the proposed location. He further states trees are being destroyed by infestation. David Kirst, attorney for neighbor, states the project does not meet the special permit standards and has concerns regarding the aesthetics of the project. He is opposed to the location. He submits photos to the file. Andrew Campanelli, attorney for neighbors, makes a submission to the file. He states the project is not a suitable use for the character of the neighborhood. He believes the project will have adverse impacts on real estate value of the properties. A motion is made to close hearing, seconded and approved.

Member Calder-Piedmonte makes a motion to reopen the public hearing restricted to comments regarding emergency services communications. Ed Schnell, EHPD Communications Technician, gives an overview of the additional height added to the tower for emergency services coverage. Campanelli states there is nothing in the file to verify the need for the proposed height. Frohlich questions the actual height of the tower. Kirst states the application does not contain the proposed additional height to accommodate emergency services equipment. Brown does not feel emergency services equipment should be located in a residential area. A motion is made to close hearing, seconded and approved.

**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**

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**In the Matter of the Application**

of

**SCHEDULE**

**PUBLIC HEARING**

**THREE MILE HARBOR VISTA II  
MINOR SUBDIVISION  
SCTM # 300-94-2-1**

**ADOPTED: 2 / 5 / 2020**

1. Rebekah Baker and Thomas Burke, owners, have made application for minor subdivision pursuant to Chapter 220 (Subdivision of Land) of the East Hampton Town Code, to divide a 2.848-acre parcel into three (3) lots. Proposed Lot 1 will contain 40,000 square feet. Proposed Lot 2 will contain 35,780 square feet. And proposed Lot 3 will contain 40,000 square feet. A lot width variance was granted from the Zoning Board of Appeals. The parcel contains the John Dart house which is known to have been constructed prior to 1838. The property is located on the east side of Three Mile Harbor/Hog Creek Highway, Springs and is situated in an A-Residence zoning district as shown on the official Zoning Map of the Town of East Hampton. Premises are identified on the Suffolk County Tax Map as parcels #300-94-2-1.

2. Subject application is classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), Part 617 of the New York Code of Rules and Regulations, and Chapter 128 (Environmental Quality Review) of the Town Code.

3. A survey prepared by Hands on Surveying, dated revised January 14, 2019 is available for inspection at the Planning Board office, 300 Pantigo Place, Suite 103, East Hampton, New York.

4. A public hearing is hereby scheduled to be held at Town Hall, 159 Pantigo Road, East Hampton, on Wednesday, February 26, 2020 at 7:00 P.M. or as soon thereafter as this matter may be heard, to consider the said application.

5. The applicant is hereby notified of the requirement that adjacent property owners

as listed on the local assessment rolls, including those immediately across any public or private streets, be notified and that the subject property be posted, as required by § 255-9-23 of the Town Code.

DATED: February 5, 2020

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

Planning Department  
Building Department

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

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

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**In the Matter of the Application**

**SITE PLAN  
APPROVAL**

of

**EAST HAMPTON RETAIL  
SITE PLAN  
SCTM #300-189-1-6.1**

**ADOPTED: 2 / 5 / 2020**

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**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:** Site plan approval pursuant to Article VI of Chapter 255 (Zoning) of the East Hampton Town Code.
- 2. USE REQUIRING SPECIAL PERMIT:** N/A
- 3. DESCRIPTION OF PROPOSED WORK:** to convert an existing two-story single-family residence and detached barn into one larger two-story retail store totaling 2,515 sq. ft. of gross floor area. Also proposed are a new garage with a second-story apartment, new access configuration, parking area, sanitary system, lighting, landscaping and drainage control structures.
- 4. SIZE OF PROPERTY:** 23,949 sq. ft.
- 5. OWNER OF PROPERTY:** Young Real Holdings LLC
- 6. APPLICANT:** Britton Bistran
- 7. PROPOSED SITE PLAN:** Sheet C-1 prepared by Dilandro Engineering, P.C. dated last revised January 15, 2020

**8. DATE OF PUBLIC HEARING ON APPLICATION:** November 20, 2019

**B. PROPERTY LOCATION AND DESCRIPTION**

- 1. SUFFOLK COUNTY TAX MAP DESIGNATION:** #300-189-1-6.1
- 2. STREET LOCATION:** 404 Montauk Highway
- 3. CONTIGUOUS WATER BODIES:** N/A
- 4. HAMLET OR GEOGRAPHIC AREA:** East Hampton
- 5. SITE DESCRIPTION & EXISTING IMPROVEMENTS:** The property contains a single-family residence and barn and has frontage on both Montauk Highway and Skimhampton Road. It is one of four parcels considered part of the Franklin Triangle. These four lots were created as part of the Anderson Subwaiver in 1974. The property is 100% cleared of naturally-occurring vegetation with areas of lawn and mature deciduous trees throughout.
- 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:** Neighborhood Business
- 2. ZONING OVERLAY DISTRICT:** N/A

**D. SEQRA REVIEW**

- 1. SEQRA CLASSIFICATION:** Type II
- 2. LEAD AGENCY:** N/A
- 3. DETERMINATION OF SIGNIFICANCE:** N/A
- 4. DATE OF DETERMINATION:** N/A

**E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT**

1. 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).

2. By memo dated November 4, 2019 the Office of Fire Prevention stated that no further information 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 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.

**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:** Site plan approval pursuant to Article VI

of Chapter 255 of the Town Code.

**2. NATURE OF APPROVED USE:** Retail & Apartment

**3. DESCRIPTION OF APPROVED WORK:** to convert an existing two-story single-family residence and detached barn into one larger two-story retail store totaling 2,515 sq. ft. of gross floor area. Also proposed are a new garage with a second-story apartment, new access configuration, parking area, sanitary system, lighting, landscaping and drainage control structures.

#### **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 SITE PLAN:** Sheet C-1 prepared by Dilandro Engineering, P.C. dated last revised January 15, 2020.

**2. APPROVED BUILDING OR CONSTRUCTION PLANS:**

- set of plans prepared by Dilandro Engineering, P.C., dated revised June 26, 2019 including: I/A OWT System Design (C-2), I/A OWT System Design (C-3), Retail Dry Storage Drainage & Grading (C-4)

- a set of plans prepared by Dilandro Engineering, P.C. dated October 23, 2018 including: Finished Floor Plans (A000), Finished Floor Plans (A100), Elevations (A200), Elevations & Section, Window & Door Schedule (A201); and Proposed Garage Plans (A101) prepared by Dilandro Engineering, P.C., dated revised January 15, 2020

- Lighting and landscaping plan prepared by Davis Landscape Design dated January 9, 2020

**3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:**

3.1 No building permits may issue, nor may clearing, grading, or construction activities be commenced, until and unless the conditions enumerated in sub¶ 3.2, 3.3 and 3.4 below have been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall obtain final approval of the Architectural Review Board

3.3 The applicant shall obtain final approval of the Suffolk County Department of Health Services (SCDHS).

3.4 The applicant shall obtain approval from the New York State Department of Transportation for the relocated curb cut along Montauk Highway.

3.5 The parking, access, and drainage improvements required by this site plan approval (including any devices for delineating parking spaces or directing traffic flow) shall be maintained by the applicant for so long as the improvements approved as part of this site plan are in use. This requirement shall be a continuing condition of this approval, and the applicant and any successors in interest shall repair, replace, and maintain these improvements as may be necessary to satisfy this condition.

3.6 All landscaping shall be maintained by the applicant in accordance with the approved site planting plan for so long as the improvements approved as part of this site plan are in use. 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.

3.7 The accessory apartment shall be made available for moderate income tenants and registered as an affordable apartment in accordance with the procedures provided in §255-11-63 of the Town Code. Proof of registration shall be submitted to the Planning Board and will be required before the granting of a certificate of occupancy.

3.8 No Certificate of Occupancy shall be issued for this site or for the improvements thereon until and unless all of the foregoing conditions have been met.

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

3.10 The applicant shall apply for and obtain a Certificate of Occupancy no later than four (4) years from the date of this resolution.

**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 5, 2020

cc: Britton Bistran  
PO Box 2756  
Amagansett NY 11930

Planning Department  
Building Inspector  
Architectural Review Board

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

**OCEANSIDE BEACH RESORT RENOVATION SITE PLAN/SPECIAL PERMIT  
SCTM #300-47-2-10.1**

**TABLED**

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

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**In the Matter of the Application**

**of**

**FOUR OAKS BUILDING #1  
SECOND FLOOR APARTMENT  
SITE PLAN/SPECIAL PERMIT  
SCTM #300-5-5-7**

**RESOLUTION  
AMENDING  
APPROVAL**

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**ADOPTED: 2 / 5 / 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:** Site Plan (SP-1) prepared by D. B. Bennett, P.E. dated revised March 19, 2018 approved by resolution dated June 27, 2018

**PROPERTY LOCATION:** 57 Kirk Avenue, Montauk

**PROPOSED AMENDMENT:** The relocation of a 90 sq. ft. walk-in freezer and 49 sq. ft. shed

**MODIFICATION AS APPROVED:** The revised site plan depicts the 90 sq. ft. walk-in freezer and 49 sq. ft. shed in an alternative location.

**REASONS SUPPORTING MODIFICATION:** The location of the walk-in freezer was moved at the request of the Suffolk County Department of Health to a location that displaced the proposed shed. The revised locations of the walk-in freezer and shed do not interfere with any aspects of the site and are in keeping with good planning.

**APPROVED PLAN AS MODIFIED:** SP-1 Site Plan prepared by D.B. Bennett, P.E. dated January 6, 2020

**CONDITIONS TO MODIFICATION:** N/A

DATED: February 5, 2020

cc: Madeline VenJohn, Esq.  
Tarbet & Lester, PLLC  
132 North Main Street  
East Hampton, NY 11937

Planning Department  
Building Inspector

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

**ADOPTION OF MINUTES:** January 15, 2020

Upon motion duly made and seconded the meeting was adjourned at 8:30 PM.