

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

In the Matter of the Application

of

**351 PANTIGO SUBWAIVER
SCTM #300-189-1-2**

**RESOLUTION
AMENDING
APPROVAL**

ADOPTED: ____/____/____

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: Resolution adopted December 14, 2022 granting subwaiver approval.

PROPERTY LOCATION: 351 Pantigo Road, East Hampton

PROPOSED AMENDMENT: To add conditions of approval requiring a covenant to prevent future commercial development on Lot 2

MODIFICATION AS APPROVED: To add the following conditions of approval:

- The applicant shall prepare a declaration of covenants and restrictions which prohibits any future commercial uses or structures on proposed Lot 2. A draft of this document shall be submitted to the Planning Board in a manner to be found acceptable by the Town Attorney's Office.
- 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.
- 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.

REASONS SUPPORTING MODIFICATION: The Planning Board had its initial review of the application on November 4, 2021. At that time, the Planning Board stated that “The board will send comments in support of the variance due to the fact that the applicant is willing to provide a covenant prohibiting any future commercial uses on the rear lot containing the residence.”

Proposed Lot 2 is to be for the construction of one single-family residence and associated accessory structures. As Lot 2 would be partially within the Limited Business Overlay District (LBO) under the current zoning boundary configuration, it would also otherwise be permitted to contain uses approved within the LBO, provided all other applicable approvals are obtained. However, it is the intention of the Planning Board to prevent such future development on Lot 2 through requiring a covenant and restriction over the property.

APPROVED PLAN AS MODIFIED: N/A

CONDITIONS TO MODIFICATION: N/A

DATED: March 1, 2023

cc: Dan Weaver, Walbridge Surveyors
300 Pantigo Place
East Hampton, NY 11937

Planning Department
Building Inspector