

Minutes  
Planning Board  
March 8, 2018

Those present were:

Mark S. Butler, Chairman  
Obron Farber, Member  
John S. Tarbet, Member  
Karen L. Collins, Member  
Linda Riley, Village Attorney  
Kenneth E. Collum, Code Enforcement Officer  
J. Kent Howie, Ordinance Inspector  
Billy Hajek, Village Planner  
David Weaver, Surveyor on behalf of Walter Maynard Jr.  
Jane Maynard, Applicant  
Frank Trentacoste, Applicant, Wooded Close LLC  
Pamela J. Bennett, Deputy Clerk

Chairman Butler called the meeting to order at 11:00 a.m. and stated that the beloved and highly respected colleague Donald L. Hunting has passed away. Mr. Hunting served on the Planning Board as Chairman and as a Member, also serving on the Library Board, giving great service to the community. A moment of silence was held in his honor.

1. **Minutes**

Upon motion of Karen L. Collins, duly seconded by John S. Tarbet, the Board unanimously approved the minutes of January 11, 2018.

2. **Walter Maynard Jr. – 35 Georgica Road**

Pursuant to the last meeting, the Board is in receipt of a Declaration of Covenants and Restrictions and a Grant of Scenic and Conservation Easement, both marked received March 5, 2018. Mr. Hajek stated that he has a question about the management of the proposed scenic easement. Ms. Riley added that the document does not specifically say that nothing can be planted there, it reads that it has to be maintained in its natural state but it does not specifically say that there cannot be any landscaping. Mr. Hajek noted that it does not allow for removal of noxious vegetation.

Mr. Butler stated that the Board previously discussed both of those items and had hoped to have the area kept in its natural state, prohibiting anything other than naturally growing plants. Ms. Farber stated that when the Board says natural state, is that not what that means. Ms. Riley stated that interpretations are often open to argument so if the Board really does not want to see anything planted, it should be so stated. Ms. Riley added that when there are easement issues, including litigation, the Planning Board is often not aware as it is the jurisdiction of the Village Board of Trustees.

Mr. Butler, addressing noxious vegetation, stated that the Board has had that discussion before especially with respect to bamboo, bittersweet, vinca vine, ivy, etc. Mr. Hajek stated that vegetation can grow onto the reserved area from adjoining properties so the Board may not want to rule out the ability to remove noxious vegetation noting that the plant material does not have to be named. Ms. Riley stated that the final covenant in the Village Greenhouse Estates' application allowed for the removal of noxious vegetation, it did not require it, but it allowed for it. Ms. Farber questioned whether there is a standard form of covenant. Ms. Riley said no as every subdivision is different. Mr. Butler stated that he does not object to allowing the property owner, who benefits from the reserved area, to remove noxious vegetation. Ms. Riley asked who will own the reserved area. Mr. Weaver stated that a homeowner's association will own the reserved area and it will be two owners because the common driveway will have to be maintained as well as the reserved areas.

Mr. Weaver stated that in concept the Board understands what is being proposed which is leaving the area natural and by removing the structures; the applicant is fine with working out the fine details of the easements but requests preliminary approval. The documents would have to be finalized before the Board grants final subdivision approval but the applicant needs to submit an application to the Health Department. Mr. Butler did not object to proceeding with the understanding that the Board and the applicant will continue to work on the documents. Ms. Riley had no objection either but suggested to Mr. Weaver that he start working on the homeowner's association document. Mr. Weaver stated that he will have at least six months at the Health Department so there will be plenty of time.

Ms. Riley stated that she will draft a resolution of preliminary approval for the next meeting.

### **3. Gladys W. Collier Revocable Trust – 26 Jericho Road**

The Board is in receipt of a letter from David A. Weaver L.S. dated March 1, 2018 requesting a preapplication conference. Mr. Weaver stated that pursuant to the Code, this is the preapplication conference and that he met with Mr. Hajek to show him the design but it is up to the Planning Board to make comments as to how the applicant should proceed. Mr. Weaver stated that this parcel was at one time two pieces of property which has been merged, that three conforming lots are proposed, and that all the structures on the property will be removed. Mr. Butler questioned the proposed accesses for the parcels. Mr. Weaver stated that he is not proposing any common driveways as the applicant does want to be required to install a fire access road; three single and separate driveways are proposed. Mr. Butler questioned where the driveways will be located. Mr. Weaver stated that the driveway for Lot 3 will be in the flagpole portion of the lot going to Cove Hollow Road and that the driveway for Lot 2 will take access onto Cove Hollow Road which access will be located as far from the Cove Hollow Road/Jericho Road intersection as possible.

Ms. Riley stated that Mr. Weaver is looking for some guidance as to whether or not the Board is going to require a cluster; the Code provides for the requirement of a cluster plan that would set aside open space giving the yield of three lots; that is the main item the Board would discuss in conceptual. Mr. Hajek stated that he will review the proposed map thoroughly but would encourage the Board Members to walk the property thinking about driveway locations, existing improvements, and character of the neighborhood which will help aid the Board in what it would want to see in the subdivision; the Board could request different alternatives from the applicant which, as Ms. Riley suggested, a cluster plan.

Mr. Butler stated that one of the things that may be helpful would be an aerial photo of the surrounding neighborhood. Ms. Riley stated that one of the things to consider in requiring a cluster is whether there are any natural resources adjacent to the property; farmland, woods, or steep slopes as the Board would want to take the surrounding area into consideration. Mr. Hajek stated that the map has topography at two-foot intervals which shows that the property is not entirely flat; the elevations range from 14 feet along Cove Hollow Road up to 34 feet at the northwesterly corner of the property. Mr. Weaver stated that it is a gentle slope. Mr. Hajek agreed that it is a gentle slope.

Mr. Weaver asked the Board if it wanted to continue reviewing the map under the preapplication conference. Ms. Riley suggested that the Board continue to review the map under the preapplication conference heading at the next meeting.

#### 4. Wooded Close LLC – 56 Egypt Close

The Board is in receipt of an email from Frank Trentacoste dated February 21, 2018 requesting permission to renew approval to maintain his hoop house located in the northwest corner of the property in an east west orientation.

Mr. Butler stated that the Board wants to encourage agricultural endeavors in the Village but asked if the location of the hoop house is the only viable location. Mr. Trentacoste stated that the well and the power source are right next to the hoop house and that it would be expensive to move. Mr. Butler questioned whether there is any other material that could be used on the hoop house considering its very visible location. Mr. Trentacoste stated that the hoop house is 48 feet long and the frontage of the property is hundreds of feet noting that during the winter it is visible, but in the spring, summer, and fall it is covered by foliage; the film has to be that color in order to allow sunlight to get through. Mr. Butler stated that he understands that the hoop house is to start plants for the summer but questioned whether the hoop house could be removed in the fall. Mr. Trentacoste stated that he uses the hoop house to cure alliums, onions, and garlic after they are harvested and that winter squash is cured which is taken through the winter. The poly is about \$1,500 or \$2,000 and every time it is taken on and off, there is a risk of damaging it so it is feasible to take it down but damage to the plastic would wipe out a month's worth of profit.

Mr. Butler stated that the Board has explored any changes that are possible and asked Ms. Riley if the Board should grant a one-year renewal. Ms. Riley stated that it is up to the Board. Mr. Trentacoste stated that his answers will be the same every year. Ms. Farber stated that if the size or location of the hoop house were changed, it would have to come back to the Board. Ms. Collins questioned whether the permission is limited to Mr. Trentacoste. Ms. Riley said no, it goes to the property. Ms. Collins stated that Mr. Trentacoste has been responsible and has done exactly what he said he was going to do. Ms. Farber stated that as long as food is being grown, she does not object but if flowers are being grown, she suggested doing it somewhere else. Ms. Riley stated that she will review the agricultural easement. Mr. Butler suggested that Christmas trees, something other than food, would not be permitted. Mr. Hajek stated that the field was used for growing white pines. Ms. Riley stated that the applicant can use the land for

growing agricultural products which would include horticultural products; flowers are specifically permitted under the easement. Mr. Butler asked if that was something the Board can condition or restrict or does the easement overrule any condition. Ms. Riley stated that the land cannot be restricted, the land can be used for flowers, the Board has no control over that, but the Board does have control over buildings or structures reasonably necessary for agricultural operations, provided there is site plan approval. Ms. Riley stated that the Board could condition approval that the hoop house is reasonably necessary for the agricultural operations that are proposed which are crops, food, but that if the agricultural operations change so that it is predominantly used for a different agricultural use, then approval for the hoop house will expire. Ms. Farber said she would like to do that. Mr. Butler thought it was a good idea too. Mr. Tarbet stated that that is too restrictive. Mr. Butler added that that would be for a permanent approval. Ms. Collins questioned why the Board is trying to be restrictive. Ms. Farber stated that she would not want a hoop house if it was to start flowers. Ms. Collins stated that she has a problem with that. Mr. Tarbet agreed with Ms. Collins. Mr. Hajek suggested circling back and granting the hoop house for one year and if next year someone new comes along and wants to grow something different, the Board can entertain that request. Mr. Butler suggested approval for one year. Mr. Trentacoste stated that he does not plan to start flowers and that his lease is for two more years. The Board agreed to a two-year approval.

Upon motion of Karen L. Collins, duly seconded by John S. Tarbet, the Board unanimously approved the hoop house for a period of two years.

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Upon motion of Karen L. Collins, duly seconded by John S. Tarbet, the Board unanimously adjourned the meeting at 11:36 a.m.

FILED  
VILLAGE OF EAST HAMPTON, N.Y.  
APR 12, 2018  
3:00 p.m.

