

Minutes
Planning Board
April 12, 2018

Those present were:

Mark S. Butler, Chairman
Philip O'Connell, Vice Chairman
Obbron Farber, Member
Karen L. Collins, Member
Linda Riley, Village Attorney
Kenneth E. Collum, Code Enforcement Officer
Billy Hajek, Village Planner
David Weaver, Surveyor on behalf of Walter Maynard Jr.
Richard W. Whalen, Attorney on behalf of 44 Hunting Lane LLC
John Kean, Applicant, 44 Hunting Lane LLC
Pamela J. Bennett, Deputy Clerk

The Chairman called the meeting to order at 11:00 a.m., and the following official business was discussed:

1. **Minutes**

Upon motion of Karen L. Collins, duly seconded by Philip O'Connell, the Board unanimously approved the minutes of March 8, 2018.

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

Pursuant to the last meeting, Village Attorney Linda Riley drafted a resolution of preliminary approval for the Board's review. Ms. Riley stated that the application is being treated as a major subdivision because the property has been previously subdivided, therefore, there is a preliminary map which requires a preliminary approval. Once the Board adopts the preliminary approval, the applicant will have to come back with a final map; the Board will have the opportunity to clean up all kinds of loose ends, the details of the map. The preliminary approval sets the property lines. Mr. Butler noted that the Board will be granting preliminary approval subject to seven conditions and questioned the timing of the approval. Ms. Riley stated that the applicant has six months in which to submit a final plat but they could, if necessary, ask for an extension of time if necessary; Health Department approval often takes longer than six months.

Upon motion of Philip O'Connell, duly seconded by Karen L. Collins, the Board unanimously adopted the following resolution of preliminary approval:

Application of Walter Maynard, Jr.
Tax Map # 301-8-12-13.4

Adopted: April 12, 2018

Application of Walter Maynard, Jr., for preliminary approval of a subdivision of the subject property into two residential lots, as depicted on the Map "Preliminary Subdivision Maynard Estate," prepared by George Walbridge Surveyors, P.C., most recently revised November 29, 2017 (hereinafter referred to as "the Preliminary Map").

WHEREAS, the subject property was originally part of a larger parcel that was the subject of a three-lot minor subdivision approved by the Planning Board of the Village of East Hampton on March 8, 1979, forming two roughly one-acre lots fronting directly on Baiting Hollow Road and an 8.6-acre parcel, upon the condition that "If and when the large parcel is split a 10% reserved area shall be set aside as shown on the sketch....Said reserved area shall be computed on the basis of the entire property consisting of approximately 10.552 acres"; and

WHEREAS, the 8.6-acre parcel was thereafter, following an April 11, 1996, approval by the Planning Board, subdivided to create an 80,000-square-foot parcel and the 295,350-square-foot lot that is the subject of this application, identified as Lot 1 on the Minor Subdivision of Maynard, filed April 22, 1997, without imposing the reserved area required under the prior condition, but requiring access for both parcels from Baiting Hollow Road; and

WHEREAS, a common driveway agreement was thereafter recorded in May 1997 that gave access to the 80,000-square-foot parcel over a 17-foot-wide flag pole strip leading to Georgica Road which is part of the subject premises, notwithstanding the fact that the 1997 Map provided the 80,000-square-foot parcel with a 20-foot-wide flagpole strip leading to Baiting Hollow Road, where there was to be a shared curb cut with the subject premises; and

WHEREAS, the prior subdivisions created a total of four lots, thereby requiring the formation of a fifth lot to be reviewed according to the procedures and standards for a major subdivision map; and

WHEREAS, the Preliminary Map proposes the division of Lot 1 on the 1997 filed Map into two (2) residential house lots, one of which (Lot 1) will be 144,588 square feet in area with access over the existing flagpole strip to Georgica Road, and is already improved with a two-story residence and decking, a detached garage and swimming pool, and one of which (Lot 2) will be 89,448 square feet in area with a proposed flagpole strip providing access to Baiting Hollow Road, and is now improved with a tennis court and proposed to be the site of a relocated cottage that currently straddles a proposed Reserve Area B and the flagpole strip; and

WHEREAS, the Preliminary Map also depicts a 41,942-square-foot Reserve Area A, a block of land along the westerly side of the property that will buffer Lot 1 from the previously approved one-acre lots, and a 17,291-square-foot Reserve Area B along the northerly lot line that will buffer the adjacent Carriage Court subdivision, and both of which, taken together, more than satisfy the condition contained in the March 8, 1979, approval to provide a minimum of 10% reserved area; and

WHEREAS, the proposal is an Unlisted action in accordance with SEQRA, and this Board after coordinating lead agency status with other involved agencies, adopted a negative declaration on December 14, 2017; and

WHEREAS, the proposed subdivision conforms with the requirements of the Zoning Code, so no variance relief is expected to be required for the subdivision itself or the subsequent further improvement of the lots, given that all existing structures within the proposed setbacks are to be removed or relocated to conforming locations, and given that Lot 1 is proposed to have an access easement with 30.47 feet of street frontage on Baiting Hollow Road; and

WHEREAS, the subject premises contains part of a topographical feature, an unusual glacial deposit with elevations that reach 50 to 55 feet above sea level, stretching along portions of Apaquogue Road, Georgica Road and Baiting Hollow Road, which, in this case, the existing residence and swimming pool on proposed Lot 1 are currently sited; and

WHEREAS, this project is exempt from the Long Island Workforce Housing Act because it proposes only one new residential lot; and

WHEREAS, the application was submitted to the Suffolk County Planning Commission, which determined, according to a letter dated January 8, 2018, that the matter was not within its jurisdiction; and

WHEREAS, an earlier version of the Preliminary Map (having a 26-foot-wide access easement) was submitted to the Village Engineer for review, who offered these comments in a letter dated November 10, 2017:

- “The proposed 26 wide common driveway (designed to fire apparatus access road standards in the 2015 IFC) traverses several ‘camel humps’ in topography. I recommend that a centerline grade profile for the proposed drive be prepared and any necessary cut and fill be identified.
- “Because of the width of the proposed paving and its close proximity to a neighbor, I recommend that driveway drainage controls be provided in accordance with Village design standards;” and

WHEREAS, the applicant thereafter submitted a Driveway Plan and Profile, sheets C-1 and C-2, dated November 28, 2017, by TF Engineering, PLLC, which was reviewed by the Village Engineer, who responded by letter dated December 14, 2017, that the elements of the Driveway Plan and Profile were acceptable; and

WHEREAS, the Preliminary Map was also referred to the Superintendent of the Department of Public Works and the East Hampton fire Department for review, and both departments responded with no comments on the proposal; and

WHEREAS, a public hearing was duly noticed and held on January 11, 2018, at which members of the public had ample opportunity to comment on the application; and

WHEREAS, the applicant submitted a proposed “Grant of Scenic and Conservation Easement” and a proposed “Declaration of Covenants and Restrictions,” both of which the Board agreed could be fine-tuned in connection with its review of the expected final plat;

The Planning Board of the Village of East Hampton hereby finds as follows:

1. The merits of a cluster plan were discussed, but the Board decided that general, if not specific, compliance with the spirit and intent of the condition imposed by the Planning Board in its March 8, 1979, determination, was appropriate. No cluster map was required because the Preliminary Map depicts more than 10% of the original lot area set aside in reserve areas that will be allowed to revert to natural conditions.

2. The Planning Board also considered the provisions of §252-5.1 E, related to parkland requirements. The Planning Board finds that the subject premises is not conducive to the setting aside of parkland for recreational purposes. The subdivision will not add appreciably to the population of the Village or increase the demand on existing recreational facilities. The premises is already improved with two dwellings, albeit buildings that are utilized by only one family. Although there may be an increase in size of the dwellings at some point in time, there will be no appreciable impact on recreational facilities.

3. The Board has considered the comments of its Village Engineer, as well as other comments. With respect to the access driveway and easement from Baiting Hollow Road, the plans submitted by the applicant appear to address the Village Engineer's concerns.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Incorporated Village of East Hampton, that the Application of Walter Maynard, Jr., for preliminary approval of a two-lot subdivision, as depicted on the Map "Preliminary Subdivision Maynard Estate," prepared by George Walbridge Surveyors, P.C., most recently revised November 29, 2017 ("the Preliminary Map") is hereby approved, subject to the following conditions:

1. Submission of an application for a final plat in the form required by Chapter 252 of the Code of the Village of East Hampton within six months of the date hereof.

2. Approval of the subdivision by the Suffolk County Department of Health Services.

3. Submission of a SWPPP consistent with the requirements of Chapter 248 of the Code of the Village of East Hampton shall be submitted and approved prior to the submission of a final plat.

4. Relocation of the "cottage" currently straddling Reserve Area B and the flagpole strip and easement to Baiting Hollow Road to Lot 2, as depicted on the Preliminary Map prior to the filing of a final plat.

5. Removal of all structures currently located within proposed setbacks prior to the filing of a final plat.

6. Submission of a final Grant of Scenic Easement, subject to acceptance of the Board of Trustees, governing the ownership and maintenance of Reserve Area A and Reserve Area B and providing that they will be allowed to return to a natural state and that no buildings or structures shall be placed on the Reserve Areas.

7. Submission of a final easement providing for access to Lot 1 over the flagpole strip to Baiting Hollow Road that is proposed to be part of Lot 2.

3. **44 Huntting Lane, LLC – 44 Huntting Lane**

The Board is in receipt of an application for a Minor Subdivision, marked received April 5, 2018, requesting permission to divide the premises into three lots.

Richard E. Whalen Esq. appeared on behalf of the applicant. The property has frontage on Huntting Lane and is entirely within the Huntting Lane Historic District; the property appears to have frontage on The Circle but there is a five foot wide spite strip adjoining the applicant's parcel which prohibits access onto The Circle. The existing home on the property is not in good condition and is not currently occupied; the windows and doors have been boarded up and the house was broken into as recently as this past winter and had been vandalized. There is a garage/carriage house at the back northwest corner of the front lot and a portion of the back of the garage and a shed addition will be removed which will give the requisite setback to proposed Lot 2. The two lots at the rear of the property are in the R-20 Zone and are 20,000 square feet; the driveway access is by a flag strip on the right hand or east side of the property that goes to Lot 3 and also there is an access easement off Lot 2. The driveway easement will be 25 feet in width and will be moved away from the property line so it will not be running along the easterly neighbor's property line. Mr. Whalen stated that the property is in derelict condition.

Mr. O'Connell questioned whether the neighbor who owns the spite strip has been contacted. Mr. Kean said yes but they are not interested. Ms. Farber stated that she walked the property and agrees that it is in a derelict condition and it is distressing having spent time there as a child. Ms. Farber stated that that is a lot of density for that piece of property, noting that there are houses on Huntting Lane that have yards and wondered if the applicant is aware of the character of the neighborhood.

Mr. Kean stated that he bought the property with the intent of keeping it as one parcel, what the original estate section was like, which was unusual for Hunting Lane as there are not a lot of large properties. There are mostly one acre properties and a lot of half acre properties. Mr. Kean stated that by the time he purchased the property, it had been vacant for some time and that he had worked extensively with the Design Review Board; the plan was to bring it back to the original style and he had plans to add to the house because of the size of the lot. The Building Department granted a Building Permit based upon a full set of construction drawings and paid a \$50,000 fee for the permit. Mr. Kean stated that unfortunately he was caught up at the exact same time that the Village was changing its gross floor area limits and his Building Permit was revoked because he had not started construction and lost the \$50,000 fee. Application was made to the Zoning Board of Appeals asking that his proposed house size be grandfathered but that application was denied. Multiple neighbors at the Zoning Board hearing said that they did not want a large house and the consensus was that the neighbors would rather have three lots because it is more in keeping with the street; the street is made up of smaller lots. The property has been vandalized and it is unbelievable that that happened in the middle of East Hampton; every single window is broken, every single wall is broken down, the staircase is ripped out, the conservatory was knocked down, and things were written on the chimneys.

Ms. Farber asked Mr. Kean where he is from as he refers to the Village as "your" Village. Mr. Kean stated that he lives on the North Shore but has done extensive work in Southampton, Amagansett, and throughout the Hamptons. Ms. Farber stated that she wondered, when walking the property, if the glass slider doors of the pool house had been purposely broken to discourage people from hanging out and thinking that they could live in the pool house. Mr. Kean stated that he did have a squatter living in the garage but no, he did not do any of the damage, the damage was done by local kids according to the Police Department.

Mr. Whalen stated that the front lot, Lot 1, is going to be 53,000 square feet in size and there will be landscaping at the rear of the lot which will reduce the visibility of the proposed houses on Lots 2 and 3.

Mr. Butler questioned whether the Historic District designation applies to the entire parcel even though a portion of the lot is zoned R-40 and the other R-20. Ms. Riley said yes it does and that Mr. Hajek will be preparing a complete analysis; the application is a Type I Action for SEQR purposes. Mr. Butler asked if there were any cluster issues. Ms. Riley stated that the Board has the authority under the Code to look at clustering as a preliminary issue and can ask for a yield

map and a cluster map. Mr. Butler asked Mr. Collum if he is satisfied that the map meets the Code as far as a fire access and turnaround. Mr. Collum stated that he has not reviewed the map as of yet. Mr. Butler asked about possible environmental issues as there are wetlands down the street. Mr. Whalen stated that there are residential properties to the east that are between the applicant's property and the Hook Pond dreen. With regard to clustering, Mr. Whalen stated that there is no native vegetation, there is quite a bit of bamboo on the property, but there is nothing to protect in terms of natural vegetation. Mr. Butler asked that Mr. Hefner also review the proposed subdivision.

Mr. Hajek questioned whether the existing house would be maintained and/or restored. Mr. Kean stated that they are going to try to salvage aspects of the house; the original plan was to preserve the front façade with its windows and doors but to a large degree they are no longer there. Mr. Kean stated that he has met with Mr. Hefner and will work directly with him as to how to design something that will keep the integrity of the original house.

Mr. Whalen stated that the gross floor area of the house on proposed Lot 1 is what is currently seen. A driveway design will be submitted as well as driveway improvements with the emergency vehicle turnaround. Ms. Riley stated that once the Board is in receipt of the environmental review by Mr. Hajek, the Board can nail down whether a cluster plan should be submitted. Mr. O'Connell stated that he walked the property but asked Mr. Hajek if he could provide an aerial so he can see how the property relates to the neighboring properties. Mr. O'Connell asked Mr. Kean if he plans to develop the two vacant parcels as he has seen his work which tends to be in keeping with the neighborhood. Mr. Kean said yes, he plans to develop all three parcels and added that Mr. Hefner liked the proposed plan as the square footage of the house is more or less exactly what is there which is in keeping with the other homes along Hunting Lane. Mr. Butler questioned whether the homes on Lots 2 and 3 will be consistent with those homes located on The Circle. Mr. Whalen stated that the homes will require Design Review Board approval. Mr. Butler stated that if you add up the gross floor area permitted of accessory buildings it is an interesting comparison to what would have been if the applicant's original plan was approved, this plan will result in a significant increase in the density of the parcel. Mr. Butler stated that it is a mystery as to the two zoning districts. Mr. Whalen stated that the zoning district is unchanged for at least 30 years and the Village did what it did because the lots around The Circle are much smaller. Ms. Farber stated that the reference to The Circle is not so relevant since there is no access to The Circle, three new houses are coming off of Hunting Lane. Mr. Whalen stated that he will show the map in context of the

adjacent lots at all four corners of the property. Mr. Kean stated that other than the driveway entrance, nobody will know there are two houses in the back. Mr. Butler questioned whether the existing driveway will be maintained. Mr. Kean said yes. Mr. O'Connell suggested that the applicant keep in mind the use of the new low nitrogen septic system. Mr. Kean stated that he is using the new septic system on numerous projects.

Mr. Butler stated that between now and the next meeting, Mr. Hajek will prepare a memorandum of review which will include an aerial of the neighborhood, Mr. Collum will review the map with an eye toward fire access, the applicant will revise the map to show a fire access driveway, the applicant will submit an Environmental Assessment Form Part I, long form, the applicant will submit an overview of the entire area, and the map will be forwarded to Bob Hefner for his review and comment. Mr. Butler stated that the Board might be able to give consideration to a cluster map at the next meeting if all material has been submitted. Mr. O'Connell asked about SEQR's coordinated review. Ms. Riley stated that the Board must first have received the Environmental Assessment Form, Part 1 before coordinating review.

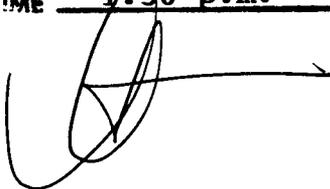
Ms. Farber questioned the deterioration of the property, because the applicant is a builder and has owned the property for quite some time and because the wonderful old house is sitting on Hunting Lane in the middle of the Village, she is curious as to why Mr. Kean allowed it to, over however many years, become such a disgraceful, deteriorated mess. Ms. Collins asked if that was relevant. Mr. O'Connell stated that the applicant was maintaining the property until it was vandalized. Mr. Collum stated that the property has been maintained as far as the lawn being mowed, landscapers there throughout the year, and great care was taken to preserve the house because of Mr. Hefner's desire to have the front façade preserved. Originally the applicant had agreed to cut off the façade, move it out and re-attach it to a new house so the applicant has gone to great lengths to maintain the property. Unfortunately, the applicant was notified by the Police Department that the house was vandalized over a very short window of time, nothing to do with the owner not taking care of the property as they have been good stewards of the property. Mr. Collum added that when Mr. Kean was notified, he was shocked because he had people checking on the property.

Susan Gilmer, 35 Hunting Lane, stated that at one point there was a suggestion by Bob Hefner that the property be subdivided into two lots and as a neighbor, she would prefer less intensification. Ms. Gilmer questioned why access cannot be obtained from The Circle, noting that that may have been explained

before she arrived, expressing concern of traffic and busyness on the historic street. The residents on the street make a lot of effort to try to keep the historic nature of their houses and not to have the historic façade saved would be heartbreaking. Ms. Gilmer stated that she has often found the property not secured as the gates are open. She was opposed to the original plan because the scale of the house was inappropriate to the lane and hopes that the original scale and façade of the house is retained from the visual aspect of the road. Mr. Butler stated that the input from the people that actually live in the neighborhood is some of the most helpful information even though the Board reads the paperwork and walks the property. Ms. Gilmer stated that it is a very special lane noting that there are modifications and limitations that everyone accepts when buying a house in a historic district. Mr. Butler stated that Mr. Kean also appreciates the historical significance of the neighborhood. Ms. Gilmer stated that the people on the lane want it to work for everybody. Mr. O'Connell informed Ms. Gilmer that there is a strip of land, owned by a neighbor, which does not permit access to The Circle. Mr. Kean stated that he spent over a year working on that original plan and no one ever objected and no one appeared at a hearing. Ms. Gilmer stated that it must be extremely frustrating for the applicant but part of it has to do with the process of planning in that the neighbors are only notified when it goes to a public hearing.

Upon motion of Philip O'Connell, duly seconded by Karen L. Collins, the Board unanimously adjourned the meeting at 11:48 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE May 10, 2018
TIME 1:30 p.m.

A handwritten signature in black ink, appearing to be a stylized 'A' or similar character, written over the stamp area.