

Minutes
Planning Board
June 13, 2019

Those present were:

Philip O'Connell, Chairperson
Obron Farber, Member
John S. Tarbet, Member
D. Walker Wainwright, Member
J. Kenneth Wessberg, Member
Linda Riley, Village Attorney
Kenneth E. Collum, Code Enforcement Officer
J. Kent Howie, Ordinance Inspector
Billy Hajek, Village Planner
Leonard I. Ackerman, Attorney on behalf of Furtherfarm, LLC
David Dubin, Attorney on behalf of EH 226 LLC
Russ Scott, Nelson, Pope and Voorhis Engineers on behalf of
Furtherfarm, LLC
Matthew Pachman, Attorney on behalf of Furtherfarm, LLC
Oliver Cope, Architect on behalf of Furtherfarm, LLC
Linda Margolin, Attorney on behalf of Furtherfarm, LLC
Madeline VenJohn, Attorney on behalf of Jeffrey L. Gates and
R. Michael Moran
Pamela J. Bennett, Deputy Clerk

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

1. Minutes

Upon motion of John S. Tarbet, duly seconded by Obron Farber, the Board unanimously approved the minutes of **March 14, 2019**.

Upon motion of J. Kenneth Wessberg, duly seconded by John S. Tarbet, the Board unanimously approved the minutes of **May 9, 2019**.

**2. EH 226 LLC – 226 Further Lane and
Furtherfarm, LLC – 218 Further Lane**

The Board is in receipt of an application for a Lot Line Modification, marked received May 2, 2019. Mr. O'Connell stated that the application was submitted to the Board for the May meeting but the applicant requested an adjournment; the Board then received a revised lot line modification plan marked received June 3, 2019.

Leonard I. Ackerman Esq. stated that he represents the Baron family (Furtherfarm, LLC) at 218 Further Lane and David Dubin Esq. represents the Fixel family (EH 226 LLC) at 226 Further Lane. The proposal is to move the flagpole portion of the EH 226 LLC lot, as well as the driveway contained thereon, from the east side to the west side so the Fixel family (EH 226 LLC) can have their own driveway; the Baron family (Furtherfarm, LLC) owns various contiguous parcels to the east which are used as an integrated family estate. Mr. Ackerman stated that Village Planner Hajek raised concern about adequate sight lines from the proposed driveway and a report from Nelson, Pope & Voorhis LLC has been submitted today which addresses that concern. Also submitted is a revised survey indicating the topographic information, utilities, and drainage. An Environmental Assessment Form Part I and a Noise Study Report has also been submitted.

Russ Scott from Nelson, Pope & Voorhis appeared before the Board to discuss the sight distance for the proposed driveway. Mr. Scott stated that the sight distance from the proposed driveway looking to the east was measured in the field as 300 feet and looking to the west was measured as 500 feet; those figures are then compared to the American Association of State Highway Transportation Officials' guidelines. The speed limit is 25 miles per hour and based on visual assessment, the 85th percentile speed (AASHTO guidelines) is also about 25 miles per hour and the recommended distances for a left turn are 280 feet and for a right turn 240 feet. Mr. Scott stated that Nelson Pope's measured distances of 300 feet and 500 feet are in excess of the guidelines so they feel there is sufficient sight distance at the proposed driveway location.

Mr. Wainwright asked if the Board has to assume that people are going to observe the speed limit. Mr. Scott stated that he did not take any vehicle speeds with any equipment but because of the stop sign that is immediately to the west, it lowers the speed. Ms. Farber stated that the

parcel that has the instant forest (corner of Two Mile Hollow Road and Further Lane) is potentially a problem in terms of sight distance and also questioned where Cross Highway is located in relation to the proposed driveway. Mr. Scott stated that the measurements were taken from the proposed driveway looking left and looking right; there are some limiting factors of the 300-foot measurement as there is a bump in the road (a vertical elevation) that you cannot see over so that is why looking right was 500 feet and looking left was only 300 feet but it meets the guidelines. Mr. Hajek asked if that information is contained in the report submitted today. Mr. Scott said yes. Ms. Farber stated that she backed her car in to see what was coming from the Two Mile Hollow Road direction and from the Cross Highway direction and you have to pull your car right up to where the grass meets the pavement in order to see.

With reference to the Noise Study Report for the proposed driveway, Mr. Scott stated that they did a field measurement for 24 consecutive hours at two locations; one location is approximately 45 feet from the residence located at 206 Further Lane and the other is approximately 70 feet from the residence located at 31 Two Mile Hollow Road. It was found that there is no significant noise increase based upon the amount of cars that are going to go up and down the driveway. Ms. Farber stated that that does not take into consideration all the landscapers, garbage collectors, and the noise that will be occurring once the driveway is developed and in use; that is really where noise is and when you hear your neighbors. Mr. Pachman stated that 226 Further Lane will not generate any additional noise that would otherwise be there and will still be under the decibels set by the DEC under residential noise. Ms. Farber asked if noise is a factor and that is why there is a desire to put in a second driveway. Mr. Pachman stated that the noise study was an overabundance of caution to show that there will be no negative impacts created by the application. Mr. O'Connell stated that the noise would be no different whether using the existing driveway or the proposed driveway.

Mr. Hajek recommended that the revised map be referred to Drew Bennett so he can analyze the sight distance information. Mr. O'Connell stated that the material must also be referred to the Fire Department but asked Mr. Collum if he has had an opportunity to review the map. Mr. Collum stated that he met with Mr. Pachman, Mr. Cope, and with the Fire Chief and that the map he viewed seems to address the four buildings on the Fixel lot which is the maximum number of buildings that would meet the intent of the fire apparatus road for the property but preliminarily they are

headed in the right direction. Mr. O'Connell stated that the application must be forwarded to the Department of Public Works and also the Board should coordinate Lead Agency Status. Mr. Hajek stated that the only involved agency would be the Suffolk County Department of Health Services. The application will also be referred to the Suffolk County Planning Commission and to the Town of East Hampton.

Mr. O'Connell stated that the existing access easement is also for the benefit of the Nature Conservancy so they should weigh in on the request. Mr. Ackerman stated that nothing is disturbing them, they are not impacted by the application at all, they will still have access. Ms. Riley asked if there is an actual easement. Mr. Ackerman said yes and the Board does not need the Nature Conservancy's consent as their easement is not being disturbed; Ms. Margolin stated that it is a pedestrian easement. Mr. O'Connell stated that the Board needs to address that easement in some form or fashion. Mr. Hajek stated that the existing driveway is to be abandoned.

Mr. O'Connell stated that Mr. Hajek's memorandum suggests that the applicant adequately address the change in circumstances that exist to warrant modifying a prior Planning Board approval. Mr. Ackerman stated that since the adoption of the original minor subdivision, the language in the determination talks about good planning and since then everyone has become very aware of access for fire apparatus; this plan allows the applicant to satisfy those requirements.

Mr. O'Connell asked if all the information that Mr. Hajek requested is indicated on the map that was submitted today. Mr. Pachman said yes except for the curb cuts within 200 feet of the property. Mr. Hajek stated that the map will be referred to Village Engineer Drew Bennett and if Mr. Bennett feels it is information that is necessary to perform his assessment, he can request it. Mr. O'Connell asked if the application can be noticed for a Public Hearing. Ms. Riley stated that SEQR's Lead Agency status must first be coordinated. Mr. Hajek suggested also receiving the Village Engineer's comments before noticing the application for a Public Hearing.

3. **Jeffrey L. Gates – 33 Ocean Avenue and
Jeffrey L. Gates and R. Michael Moran – 37 Ocean Avenue**

Chairperson O'Connell called the hearing to order at 11:32 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

John S. Tarbet abstained from participation and left the building.

Mr. O'Connell noted for the record that no one from the public appeared to comment on the application, a Negative Declaration was adopted by the Board at the last meeting, the Board has received a letter from the Department of Public Works with no objection, a letter from the Fire Department with no objection, and a letter from the Village Engineer with no objection. The Planning Board wrote to the Zoning Board noting that there was no objection to the grant of an area variance.

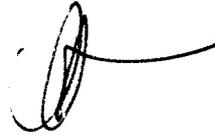
Madeline VenJohn Esq. appeared on behalf of the applicants noting that she does not have anything to add but will answer any questions the Board may have. Mr. O'Connell asked about the action by the Zoning Board. Ms. Riley stated that the hearing has been closed and is on the Zoning Board's July agenda for a determination, therefore, the Planning Board cannot act except to close the Public Hearing.

Upon motion of J. Kenneth Wessberg, duly seconded by D. Walker Wainwright, the Board unanimously closed the Public Hearing.

Ms. Riley asked if there are any conditions the Board wishes to impose. Mr. O'Connell stated that the applicant offered to re-vegetate the buffer area. Ms. Riley asked if that requires a wetlands permit. Mr. Hajek stated that the applicant is removing lawn to plant native vegetation and that the Code regulates clearing, landscaping and fertilization. Mr. Hajek stated that he does not view re-vegetation as landscaping. Mr. O'Connell asked whether there will be use of fertilizers. Ms. Farber stated that there are notations on the map that reads that they will be using natural biofertilizer. Ms. VenJohn asked if that is on Ed Hollander's plan. Ms. Farber said yes. Ms. VenJohn stated that she assumes it is upon initial planting but there will not be ongoing fertilization and would not object to that as a condition. Mr. Hajek stated that his suspicion is that the fertilizer is part of the potted plant that they are putting in the ground; when you buy potted plants, fertilizer is part of the mix. Ms. Riley stated that she will specifically include that there will be no fertilization and no irrigation. Any curb cuts proposed in the future will require review and approval by the Department of Public Works and the Design Review Board.

Upon motion of D. Walker Wainwright, duly seconded by J. Kenneth Wessberg, the Board unanimously adjourned the meeting at 11:44 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE July 15, 2019
TIME 9:00 a.m.

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a horizontal line extending to the right.