

Minutes
Planning Board
July 9, 2020
11:00 a.m.
via Video-Conferencing and
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Those present were:

Bruce A.T. Siska, Chairman
Obron Farber, Member
John S. Tarbet, Member
D. Walker Wainwright, Member
J. Kenneth Wessberg, Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Madeline VenJohn, Attorney on behalf of Frances W. Levy and Jack Levy
Shelley Slade, Applicant, Peerless Ariel LLC and Amphitrite Properties, LLC
John Huber, Attorney on behalf of Peerless Ariel LLC and Amphitrite
Properties, LLC
John Kean, Applicant, 44 Hunting Lane, LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Deputy Clerk

1. **Minutes**

Mr. Siska: Welcome to the Planning Board meeting for the Village of East Hampton. Today is Thursday, July 9th and it is 11 o'clock. The first order of business is the minutes from our last meeting on June 11th that has been previously distributed. Has everybody had a chance to take a look at them, review them and does anybody have any changes or corrections that you would like to talk about?

Mr. Wessberg: Looks good to me, I make a motion we accept them.

Mr. Siska: Second?

Mr. Tarbet: I will second that.

Mr. Siska: All in favor?

Mr. Wessberg: Aye.

Ms. Farber: Aye.

Mr. Siska: Opposed? Excellent. Minutes have been approved, thank you.

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

Mr. Siska: I am going to skip down on our agenda to the adjournments. We have a letter submitted from Ackerman, Pachman, Brown & Goldstein LLP, again respectfully requesting an adjournment of today's scheduled July 9th Planning Board meeting for 218 and 226 Further Lane which I think we shall grant. If there are no objections, I will entertain a motion for that.

Mr. Tarbet: So moved.

Mr. Wainwright: So moved.

Mr. Siska: Second?

Ms. Farber: Second.

Mr. Siska: Okay, all in favor?

Mr. Wessberg: Aye.

Mr. Wainwright: Aye.

Mr. Siska: Opposed? All right, so moved, thank you.

3. **Frances W. Levy and Jack Levy –
43 Georgica Road and 39 Georgica Road**

Mr. Siska: Okay, moving along, lot line modifications, 39 and 43 Georgica Road, I will ask Mr. Tarbet to recuse himself for this.

Mr. John Tarbet: I will.

Mr. Siska: Thank you. So, we took a look at this at our last meeting and I will ask Billy if he has had time to take a look at this and if he has had any comments for us to think about.

Mr. Hajek: Good morning Chairman and Members of the Board. So, I prepared a report for the Planning Board, it was submitted on June 24th, and I essentially provided a summary of the proposed projects, the existing improvements, the existing site conditions are all identified there. You probably all know the property, it is an old historic home, the one lot is unusually shaped, it is improved with a two-story residence, it has a carriage house with a garage and an apartment above, a swimming pool, and a pool house, and the second lot subject to the lot line modification is currently vacant. Both lots, both properties are undergoing a landscaping restoration at this moment. There are no real environmental conditions to speak of, of any importance, the properties are generally flat, they are in Flood Zone X and aside from some very large, mature trees, like I said there are no significant environmental conditions to be concerned about. So, the applicant is proposing to adjust the boundaries of the two lots. They are doing it in a fashion that does not change the lot area of either property. They are both nonconforming in terms of lot area and the result is two lots that keep the same degree of nonconformity for both lots. It appears to me that variances would be required for the project because they are reducing the lot width with the rearrangement of the parcels, they are reducing the lot width on one lot to be less than what the minimum required width would be, and in general, to me, it is an unconventional lot. The improved property is rather unusual right now but I think the lot line modification, although there are some benefits in that it makes the house conforming and it gives them room to construct accessory improvements on the improved lot, it creates somewhat even further unusual layout and it is something the Board is going to have to look at and decide if it is better than what exists. You do have the authority to ask for revised plans. Perhaps the applicant can come up with an alternative that has not been considered here that might provide for more rectangularly shaped parcels that do not have so many usual angles to them or the Board might be satisfied with this current plan. That is really for your decision but I do think it would be important to look at other alternatives just to see if there are viable options. And I do have a recommendation in terms of the mapping. It is kind of difficult to determine what exists and what is proposed so my report has some recommendations that I am going to be making for all lot line modifications now that the maps be done in a certain style to make it easier for the Board to understand what is exists and what is proposed. I am not going to go over what those are, they are in my report if you have any questions I am happy to answer them.

Mr. Wainwright: Is it proposed that the current owner sell the vacant lot, is that what is proposed?

Mr. Hajek: I do not think there is any, they did not disclose what they are doing with it, I do not think, my understanding is that there is no plan for it to be sold separately. It actually looks like they are being used in conjunction with one another, they are being landscaped, to me it looks as though they are going to be used as a sort of a compound.

Mr. Wainwright: Why do they want two lots, I guess?

Mr. Hajek: Well they are two lots, it is already two lots, they are just adjusting the boundary, it looks to me like they are adjusting the boundary, one, to make the house conforming, and also to make room to create room on the improved lot to construct new accessory improvements. To me that is what, the applicant is on the phone so maybe they can describe it in greater detail.

Mr. Wainwright: That would be helpful.

Ms. VenJohn: Can I just clarify one thing. I think Billy you had said that both lots are nonconforming, only one is nonconforming...

Ms. Farber: Hi, who is talking now?

Ms. VenJohn: I am sorry, it is Madeline VenJohn.

Ms. Farber: Okay.

Ms. VenJohn: Representing the applicant. I just wanted to clarify that only one of the lots is nonconforming and will stay nonconforming. The other one is conforming. To address the other question, there is no immediate plans to sell the lot, they intend to keep the lot.

Mr. Wainwright: Would they be considering just dropping the, combining the two lots?

Ms. VenJohn: I mean we are exploring a couple of different options but that is not something we would consider right now. They do have two buildable lots and

there is value in that so that is not something they would be considering right at this moment.

Ms. Farber: I want to thank you, Billy, I think that your comments are very helpful. I agree, the one lot is very unusual and I would like to know if there is a possibility that we could see other options but also at our last meeting I addressed the fact that in the environmental assessment form, the representative for the applicant typed in, onto the form, on questions one, five, and 11 they are interested in potentially putting in a second curb cut, so I commented about that last month, and I think there was going to be some follow-up by the applicant's representative to discuss that further with us.

Ms. VenJohn: Yes, we were waiting to receive Billy's full report to see all his recommendations, the map changes that he asked for, we can take a look at that but, it is not so much that we would be creating a new curb cut, it is just that the lots both have enough frontage as per Village Code to have their own curb cut. That is why it was written that way on the EAF. It is not that we were intending to create extra curb cuts that are not permitted.

Ms. Farber: I hear what you are saying but since in addition to the standard form, you took it upon yourselves to literally type in with an asterisk on questions one, five, and 11 the fact that you feel there is sufficient frontage to add a separate driveway and my comment was that just I think as we are looking at the Comprehensive Plan moving forward in planning for our community, we are trying to limit curb cuts so that was my comment last time and it is still on my mind.

Mr. Wessberg: I agree with you Obron.

Ms. VenJohn: We can have another look at it.

Mr. Wessberg: I agree with you Obron. We are trying to keep those curb cuts to a minimum I thought we talked the last six or eight months about this so I am agreeing with you, Obron, about the curb cut.

Mr. Siska: I think I would agree as well and I think it would be a good idea for the applicant to maybe see if there is any way they can make this one L shaped lot a little more regular. I know it is going to be kind of difficult looking at the map. Also, it might be a good idea just to take a look at the building potential or the proposed building envelopes for this L shaped lot just so we can, the Board can get an idea of where structures can be placed in relation to the lot lines and then

potentially a proposed single curb cut for both lots, that might be a good idea for us just to have a look at.

Ms. VenJohn: Yes, the building envelopes that was one of the things that Billy requested so we will be submitting that.

Mr. Siska: Okay, great.

Mr. Wessberg: I think they should sit down with Billy and come up with an idea straightening that, like you said before, there is no idea, and with a single curb cut. That is the way I am looking at this so it is a lot cleaner looking on a set of plans and stuff like that.

Mr. Siska: Right, right.

Ms. Farber: I agree, Billy, if they would be willing to do that.

Mr. Hajek: Yes, sure, if the applicant wants to, I am happy to sit down with them and talk about it.

Mr. Siska: Beth, do you have any comments?

Ms. Baldwin: No, I do not have any comments.

Mr. Siska: Okay. All right so I guess we will wait until we get a new revised plan and Billy has a chance to meet with the applicant and see what they can come up with.

Ms. VenJohn: Thank you.

Mr. Siska: Thank you. Mr. Tarbet, you can come back.

Mr. Tarbet: I am back.

4. **Peerless Ariel LLC and Amphitrite Properties, LLC**
39 Middle Lane and 35 Middle Lane

Mr. Siska: All right, next up we have 36 and 39 Middle Lane, another lot line modification, I think we have all seen, I hope you have all seen Billy's memo

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regarding the change in lot lines for these two properties. Billy, if you would just like to walk us through your memo.

Ms. Slade: If I could interject, it is Shelley Slade, it is actually 35 and 39 Middle, not 36.

Mr. Siska: Oh 35, I am sorry.

Ms. Slade: It is okay.

Ms. Farber: Billy, you are on mute.

Mr. Hajek: Thank you, thanks Obron, sorry about that. So, this is very similar to the last request, it is two existing parcels, both lots in this case are improved with single family residences and the applicant is looking to adjust the boundary, one of the common boundaries between the two lots. In this case, the existing layout is fairly unusual, sort of like a sawtooth at the rear of the one lot and the result would be sort of regularizing, if that is a correct term, the rear lot line, and in my opinion, it makes for two more regularly shaped lots, things that we would be looking for. I do not offer any real objection to the proposed layout. I think it is pretty good. In terms of just housekeeping matters, I did request the map be revised to show, to be consistent to show the existing and after conditions so that the Board, it is very easy for the Board to digest and understand what is happening. The request was submitted on three different surveys, it is a little hard to kind of follow exactly what is happening but I think that map will yield a result that is very clear for the Board to understand and I think it will be self-evident that it is a pretty good result in terms of lot line modifications. I do have a correction for the memo, we discussed it with the applicant's attorney and with Beth, they do not need to submit the EAF Part I, it is just a Type II action, classified as a Type II action. In terms of environmental conditions, the lots are generally flat, there are no significant environmental conditions to be concerned about and this property was subject to a prior subdivision approval and then a subsequent modification of that subdivision, and the critical point of that subdivision was the creation of a shared common driveway or shared access point onto Middle Lane and I would just reinforce that the single common access point should be maintained and the applicant's attorney did provide a copy of that easement and it seems as though it is written into the deed but I do not know if there is a specific location for the driveway, it just basically means they are to cover the existing driveway with an easement and in more modern times, we like to see the metes and bounds of those easements and have the easement actually depicted on the map. Finally, because the bigger

elephant in the room might be the requirement to make this FAAR road compliant, and I think the map should be referred to the Fire Marshal to determine if any improvements are going to be required to the common driveway as a result of the lot line modification. That might be the only big-ticket item to deal with here. Other than that, I am happy to answer questions if the Board has any.

Mr. Siska: Okay so I think we can send it on to the Village Fire Marshal. Also, there are a couple of things that I noticed on the three surveys. The back lots, most of the utilities are not within that common driveway so I think that may need to be addressed maybe a little formally at some point. That is the more formal metes and bounds description of the easement going back. I think the electric service in the back house is also on the front property, I do not know if that might be an issue. That is just a couple of things that I saw reviewing the survey so I am not sure how we deal with that formally moving forward but it is just something to think about.

Ms. Farber: I have a question.

Mr. Siska: Okay.

Ms. Farber: If the Planning Board in 1985 required that the lots share a common driveway and then in 1992 if the prior requirement was continued, is it necessary when a lot line modification is considered for any reason after such a condition has been established that such conditions are reasserted as continuing in place or is it just, is it assumed that if such decision is made then it moves forward in perpetuity unless a decision overrules that? Did I make sense with what I just said? Did anybody understand what I just said?

Ms. Baldwin: I think it continues, however, I think it is always helpful to continue it along the way just so that it is clear, so it does not look like it got dropped for some reason without an explanation it is always clear. So, I think it would continue but I think it is always clear to maintain that in your newer determinations.

Ms. Farber: To state it.

Ms. Baldwin: To state it again, yes. More information is always better.

Ms. Farber: Yes, in case new people are involved with the property that they...[inaudible]...that may not have been aware of what happened in the past.

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Ms. Baldwin: Right.

Ms. Farber: Okay. And my next question is just really a little bit, could somebody just explain to me in the environmental condition, it says the properties contain Bridgehampton Silt Loam and are considered prime agricultural soils. I have never heard that phrase before, I did look it up but I am really not clear on what it is or why it is noted. Could somebody explain that to me.

Mr. Hajek: I noted it because it is one of the environmental conditions of the property. Bridgehampton Silt Loam is considered a prime agricultural, so when Suffolk County Cornell Cooperative or Cornell University created a soil survey for all of Long Island, they did it in the 70's, and they classified all the soils and when they did that, they ranked the soils in terms of the soil's farmability, their drainage capabilities, they noted dune areas or sandy soils or loamy soils so each classification is representative of conditions that you might find on the property. And here I was just adding the note that they are Bridgehampton Silt Loams and they are prime soils so it probably was farmland at one point and it is very good tillable land.

Ms. Farber: So, Bridgehampton Silt Loam is just the name of a type of soil?

Mr. Hajek: That is correct.

Ms. Farber: Is that right?

Mr. Hajek: Yes.

Ms. Farber: And is there any condition that says in light of having been recognized as such that they cannot put chemicals on it?

Mr. Hajek: No, I do not know...

Ms. Farber: Is that asking too much?

Mr. Hajek: It would be more, if this were a subdivision where they were creating new lots, the Board would have the ability, the fact that there is Bridgehampton Loams or prime ag soils, might be reason to request an agricultural easement or an agricultural reserve area, something like that, but in terms of, but for a lot line modification, that is not, that does not come up as an issue.

Ms. Slade: As one of the owners, I can tell you I do not like chemicals and I do not plan to use them.

Ms. Farber: Thank you, whoever just said that.

Ms. Slade: Shelley Slade, I believe my sister feels similarly.

Ms. Farber: Oh great, thanks Shelley.

Mr. Siska: Beth, did you have any comments?

Ms. Baldwin: No, I think Billy just covered it before that the lot line modifications are actually Type II pursuant to SEQR, the DEC submitted an updated handbook that clarified that it is meant that lot line modifications, they call them adjustments, are actually Type II just so the Board is aware of that moving forward.

Mr. Siska: Okay, so does anybody else have any questions or comments?

Mr. Huber: Yes, I do if I may. My name is John Huber, I am an attorney with Dayton, Voorhees and Balsam in East Hampton, good morning everyone, I am the attorney for the applicants. Thank you all for your time today, thank you Billy and Beth and Pam for the support you have given to the application. I guess what I will do is just move quickly through Billy's memo and I would like to confirm Shelley raised the issue, she clarified it is 35 Middle Lane, this is indeed a Type II Action pursuant to SEQR 617.5(c)(16). I wanted to quickly address, Billy did not mention it and I just wanted to discuss the area variance that he mentioned, he did raise the issue. If I may I would like to submit to the Board, I do not believe that an area variance under these circumstances is required. The proposed modification is not altering the existing lot areas, each lot will remain precisely the same size. We are not increasing the degree of nonconformity. Insofar as the proposed lot lines to be modified are interior, we are not altering the lot width or any other operative dimension of the properties that would require an area variance. Also I took a look at the Village Code and I believe there is a provision in there that touches on the subject, it is Village Code Section 278-1.B(3)(a) talks about nonconforming lots and it states that a nonconforming lot may be used and a building or structure may be erected thereon for use in accordance with all other applicable provisions of the Chapter which is Chapter 278 Zoning provided that the properties have been held in single and separate ownership prior to the date that they became nonconforming. So, we obtained or the owners have obtained the

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original subdivision, I believe it was in 1985, and then subsequent to that, the property was upzoned to the R-160 so I believe we fall within the framework of that Code section. Additionally, we are not creating new lots as contemplated by Code Section 278-3.A.(1) which sets forth the area requirement for lots in the R-160 Zone, we are merely seeking to adjust and normalize the existing lot and its interior. So, we are not altering the street frontage or anything like that. The other thing that I wanted to mention to the Board that might not be obvious is just recently we demolished the swimming pool that had been existing on Lot 35 in order to avoid the need for an area variance because the new lot lines, with the pool there, it would not have been in conformity so we eliminated the swimming pool to eliminate the need for the area variance. I had met with Billy back in December to discuss this and we did cover that issue and my understanding was that so long as we do not reduce the size of either lot, we probably could maintain the status quo in terms of the nonconformity. We also satisfy the design criteria set forth in the Village's Code in particular the proposed lot lines bear a reasonable relationship to the features and conditions on the properties and this will render the lots rectangular in shape which is desirable over, Billy referred to it as saw-toothed and I agree with that. Certainly, I defer to Village Attorney Baldwin to consider the points I raised about the area variance and I would also like to confirm for you, I have discussed with the applicants and they are willing to continue abiding by the single curb cut which was the condition from the '85 subdivision forward and so we can continue with that. I guess my final comment was and certainly we respect Fire Marshal Collum's analysis but based on our assessment of the New York State Fire Code, at this point I think that we probably do not trigger the need for a fire apparatus access road, we are certainly willing to explore that further with Fire Marshal Collum and Mr. Schwagerl I believe is on the line, he is working with the owners of 39 Middle Lane and I believe that Fire Marshal Collum would be best if he conferred directly with Mr. Schwagerl about those considerations. Are there any other questions that I can answer for anyone or address any other issues?

Ms. Baldwin: John, would you mind just sending me what you talked about with regard to the area variance just so I can take a look at it?

Mr. Huber: Of course, I will summarize it and email it over as soon as we conclude the meeting.

Ms. Baldwin: That would be great, thank you.

Mr. Huber: Thank you.

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Mr. Siska: Okay, anybody else?

Mr. Huber: One final comment, thank you Chairman for your observations about the utility lines. So, there is a deeded easement favoring 39 Middle Lane onto 35 Middle Lane and basically just reading from those legal descriptions it states as follows, together with a right-of-way easement for all driveway purposes including installation and maintenance of utilities to and over the existing driveway on other premises now or formally of Jarvis J. Slade, formally the owner of 35 Middle Lane, Shelley's dad, father of both of the applicants. So according to the David Saskas survey and Billy is correct there is not a metes and bounds description for where the driveway or utilities are located, I believe that was by design which would afford them the opportunity to relocate that as necessary without violating the metes and bounds description but I would be happy if the Village decides that you would like to see some more formalized language about, and if I may, the water line and the electric lines servicing 39 Middle Lane do run along the driveway that is on 35 Middle Lane so I believe the easement, the deeded easement language addresses it and the surveys also show that it is on the stone driveway on 35 Middle Lane, that said, we are certainly willing to discuss formalizing or altering that language slightly if the Board feels that that would behoove the effort.

Mr. Siska: Okay. John, I think you also have a gas line there as well just so you are aware of that.

Mr. Huber: Yes sir, it is on the survey so the gas line shows up in yellow.

Mr. Siska: Yes, correct.

Mr. Huber: Water and gas.

Mr. Siska: Correct. I think we probably want something formalized for that just moving along, moving forward.

Mr. Huber: Of course, I imagine the vehicle for that would be some kind of a correction deed or a revised deed delineating more specifics. Thank you, Mr. Chairman.

Mr. Siska: Thank you. Anybody else? Questions, comments?

Mr. Gambino: We have a caller on the line.

Mr. Siska: Okay. Caller, hello?

Mr. Gambino: Never mind, they just signed off.

Mr. Siska: Okay so we will wait on the additional information for this, also a memo from our Fire Marshal and we will review that when that information comes back. Thank you.

Mr. Huber: Thank you.

Ms. Slade: Thank you.

5. 44 Huntting Lane, LLC – 44 Huntting Lane

Mr. Siska: Okay next on our agenda is 44 Huntting Lane, LLC. This is a driveway revision. You all should have received both a letter and an updated map showing...

Ms. Farber: Updated easement.

Mr. Siska: Sorry?

Ms. Farber: In addition to the driveway, there is a walking easement.

Mr. Siska: Yes, there is a walking easement. So, this is showing a revision for a turnaround going from, originally from Lot 1 and now being shown on Lot 3. Billy, do you have any comments on this?

Mr. Hajek: Sure, good morning, Billy Hajek again. So, the applicant submitted a request to, as you indicated, to shift the emergency turnaround portion of the common driveway onto Lot 3. The map shows a 10-foot-wide easement along the I guess the westerly boundary of Lot 2. I do not know, it does not really say what the easement is but it was described to me by the applicant or the applicant's representative as a pedestrian easement for Lot 1 over Lot 2 I guess to access The Circle. In my view, and Beth can weigh in on this, but that is a private easement between two neighbors. I do not necessarily believe that that is something that belongs on a subdivision map because it is not an easement that is being requested or required by the Planning Board so I do not necessarily think that that should be put on a filed subdivision map but the primary objective I think is the relocation of the emergency turnaround and I would just point out to the Board that Lot 3 is probably the most constrained parcel in the subdivision and it is going to become

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more constrained because that emergency turnaround must remain open and unobstructed for use so in addition to that emergency turnaround, Lot 3 is also going to have to have its own parking and driving area, driveway and parking area so I just point that out to the Board for your information. If you have any questions, I will answer them.

Mr. Wessberg: I thought we had that all figured out a few months ago with the turnaround for the emergency service and stuff like that, did we not?

Mr. Hajek: Yes, when the map was approved, originally approved, the emergency turnaround was slightly to the south located on Lot 1.

Mr. Wessberg: Correct, that is what I remember, now why do they want to move it?

Mr. Hajek: The applicant should explain that.

Mr. Kean: Hi, this is John Kean, Kean Development, the applicant, you are correct we had it on Lot 1 originally and since then we had sold Lots 2 and 3 to one family and part of the negotiation was that that turnaround would be on their two lots, not on Lot number 1. All we have done is shift it over the property line, whatever it is, because if you have the turnaround on Lot 1 and then another driveway on Lot number 2, then it would be basically side by side making a very wide pavement area. So, because it is going to be owned by one family, it is basically going to become their driveway and they will have a turnoff to the house from there. The other part of this is that there is a possibility they are only going to do one house and in the event that they only do one house and it is within 300 or 350 feet from the road, they can eliminate this turnaround. I have reviewed this with Ken Collum and he was okay with the change of where we now have the fire exit, the new location, and also...[inaudible]...that if we do have a front door within a certain distance of the road, it would become a moot point.

Mr. Wessberg: But we do not have anything from Ken Collum, yes or no? Billy?

Mr. Hajek: No. I have not received anything from Kenny on it, no, and this is all predicated on the buyer of Lots 2 and 3 merging it together. I mean the way it is going to be approved, it is approved as two lots, I mean he could change his mind and decide to build two houses so...

Mr. Wessberg: That is what I am getting at.

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Mr. Kean: He is, however, very much aware of this change, it is part of the contract. As a matter of fact, we not only have as part of the contract, there is a stipulation in the contract that if this Board chooses not to approve this, then we are going to walk away from that sale with the gentleman who wants the one house on the two lots.

Mr. Hajek: Okay.

Ms. Farber: I am sorry, could you clarify what you just said, I heard it but it did not connect. Could you say that again, please.

Mr. Kean: Yes, the buyer of Lots 2 and 3 is aware of this change and has accepted this change. His intention is to build one house on the two lots. As Billy Hajek said, the map is going to be filed as it is which means technically he could build two houses but he would have the fire thing on his lots. So, he understands exactly what it is he is buying. We have a stipulation in our contract that if the Board chooses not to allow us to do this, then we can walk away from that sale because we do not want it on Lot 1, we want it on one of two lots and we negotiated the price according to the fact that it is was going to be on the back two lots.

Mr. Hajek: My point is your negotiation, the applicant's negotiations about the sale aside, my main point is that Lot 3 is the smallest lot and if you have the turnaround located entirely on it and then they have to put their driveway on it, I just do not want the Planning Board to be in a situation where you end up creating a lot that is so constrained that at some point somebody is going to have to request variances because a quarter of their lot is emergency turnaround and parking areas. That is my own hesitation on this and that is the only reason I am pointing it out to the Board, that is all.

Mr. Kean: Billy, the driveway would have to be, where that turnaround is, where that fire road is, would be a driveway regardless.

Mr. Hajek: Yes, but it cannot stay obstructed. As an emergency turnaround, it has to remain unobstructed.

Mr. Kean: You would still have an entranceway, all of our plans have an entranceway on the exact same spot that the turnaround is, going through a courtyard in front of the house. My point is that the driveway will be there either way whether it is a fire road or a driveway.

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Mr. Siska: Correct so I guess, Billy, I am sort of in favor of what you are talking about. Lot 3 is pretty constrained right now. You have access going to Lot 2 across their front yard, you have this fire access that needs to remain open and not use this parking. There also needs to be some kind of parking on this lot somewhere. I am just a little concerned that their whole front yard potentially could become driveway, turnaround, and parking further restraining how that lot can be developed.

Mr. Hajek: It will be and that is fine if the buyer is aware of that, but I am just concerned that that is going to get used as a tool to request relief because a third of their lot has to be paved.

Ms. Farber: And the landscaping trucks are there and the trash collecting trucks are there...

Mr. Hajek: And that was analyzed during the subdivision by locating it on Lot 1.

Mr. Siska: Right.

Mr. Hajek: The Board can get formal feedback from Kenny Collum too and see if Kenny has an issue with its location, you are free to do that.

Mr. Wessberg: I would like to hear from Kenny Collum because we approved this how many months ago, now we are back doing this road again so I think I want to hear from Kenny Collum and his ideas about this.

Mr. Siska: Yes, I think I would agree. Beth, would this trigger a public hearing to make this change?

Ms. Baldwin: I would have to look and see, it is a modification of the Board's prior approval, I would have to see. Did you have a public hearing for the original?

Mr. Siska: That I do not know, I was not here.

Mr. Hajek: Yes, there was, there was a public hearing for the subdivision and in the past the Board has basically decided for modifications to a map whether or not they needed to hold a public hearing based upon the magnitude of the change. It is really up to the Board to decide.

Mr. Siska: I think we should wait until...

Ms. Farber: I have a question.

Mr. Siska: Okay, go ahead Obron.

Ms. Farber: Could you just clarify for me the whole issue of this pedestrian easement which seemed pretty strange to me, the purpose being that the people on Lot 1 could get into the Village without walking to Main Street around the corner and instead passing over that property in the back. I mean I am familiar with it plus I went and looked at it again, and I was just wondering why we even were looking at that, it seems like such a potentially problematic matter and then I was thinking well how may feet are involved in a pedestrian easement, you know what I am saying, what is the width of such a thing. So, I just was wondering why it was, what our consideration of that would be, I am not clear on that.

Mr. Kean: I can explain what it is, it is a path for Lot 1 to be able to access The Circle so if you have young children it is much safer to access onto The Circle which as you might know is much closer to town than walking all the way down Hunting Lane.

Ms. Farber: Well I do know that but so the owners of Lot 2 and 3 are going to have screaming children running around, back and forth on their bicycles, it just seems like a strange thing to even consider. It is not the place of the Planning Board, is that what the conclusion was early on?

Mr. Hajek: Yes, Obron, I do not think that really should not be shown on the map, if they decide to grant an easement to one another, that is really between the two neighbors, it is not a Planning Board matter.

Ms. Farber: So, it would not be a permanent circumstance anyway, the people on Lots 2 and 3 could sell their house in five years and that easement that they may agree to with their neighbors on Lot number 1 would disappear, it has nothing to do with us on a map.

Ms. Baldwin: Right, it is between the neighbors, not something, it is not a condition of any approval or anything like that.

Ms. Farber: Okay. I have one last clarification if you could...[inaudible]...for me. I remember, it was a long time ago, but there was a consideration of the timing, and I could be wrong on this because it was a while ago, but was there a timeline with regard to the restoration of the historic house on Lot number 1 prior to work beginning on Lots number 2 and 3, is that my imagination or is there some clarification in that regard?

Mr. Hajek: Not with the subdivision, no. There was no connection of development or redevelopment of Lot 1 as part of the subdivision but the applicant did just obtain Design Review Board approval for the restoration and enlargement of the home on Lot 1. It looks like a very nice home.

Ms. Farber: Great.

Mr. Kean: We plan on going forward with that immediately and obviously if the Board chooses not to go forward with this, then we are just going to cancel the contract and go forward with two more houses in the back instead of just the one.

Ms. Farber: My question was about the Lot number 1 house having to meet specifications for historic guidelines but Billy just informed me about that plan. So good, congratulations.

Mr. Kean: Thank you.

Mr. Siska: Okay, does anybody else have any comments on this? I think what we will do is wait for Kenny Collum's response and we can move forward with that as well.

Mr. Kean: I do not think we are going to, we do not want to put you through that, I think we are just going to keep what we have got and cancel our contract and we will build the two houses in the back, and thank you for your time.

Mr. Siska: Okay. Does anybody have anything else to bring before us before we adjourn?

Mr. Wessberg: I have nothing. I make a motion we adjourn.

Mr. Siska: Okay. A second?

Mr. Tarbet: So moved.

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Mr. Wainwright: Second.

Mr. Siska: All in favor?

Ms. Farber: Aye.

Mr. Wessberg: Aye.

Mr. Wainwright: Aye.

Mr. Siska: Opposed? All right, thank you all and have a great day and a great weekend.

Ms. Farber: Thank you.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: August 14, 2020
TIME: 1:00 p.m.

Richard T. Lawler

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