

Minutes  
Planning Board  
July 12, 2018

Those present were:

Philip O'Connell, Chairperson  
Karen L. Collins, Vice Chairperson  
Obron Farber, Member  
John S. Tarbet, Member  
Linda Riley, Village Attorney  
J. Kent Howie, Ordinance Inspector  
Billy Hajek, Village Planner  
Jonathan Tarbet, Attorney on behalf of Gladys W. Collier Revocable Trust  
and 26 Jericho Partners LLC  
Madeline VenJohn, Attorney, Tarbet & Lester, Gladys W. Collier Revocable  
Trust and 26 Jericho Partners LLC  
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 Obron Farber, duly seconded by Karen L. Collins, the Board unanimously approved the June 14, 2018 minutes.

2. **Gladys W. Collier Revocable Trust and 26 Jericho Partners LLC –  
26 Jericho Road**

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

The Board, at its meeting of March 8, 2018, discussed a letter from David A. Weaver L.S. dated March 1, 2018 which was considered a pre-application conference.

Jonathan Tarbet Esq. appeared on behalf of the applicant and submitted two schematics, one entitled "DRAFT Collier Subdivision: Standard Subdivision Schematic 1" and the other entitled "DRAFT Collier Subdivision: 4-Lot Subdivision with Shared Tennis Court." Mr. Tarbet

stated that the drawings are conceptual and that he wants to get feedback from the Board. With reference to Mr. Hajek's memorandum dated April 4, 2018, Mr. Tarbet stated that the proposal is an attempt to address two of the main concerns, one is limiting access for the three lots to one location and the second is not taking access off Jericho Road which is a low spot. One of the proposals does not meet the lot area for four lots, each of the lots would be 76,000 square feet where 80,000 square feet is required so Zoning Board approval would be required. The benefits to having four lots, if you look at the aerial photographs of the surrounding area, it is mostly one acre lots so at the three lot subdivision there would be two acre lots, bigger lots, bigger houses. With four lots you would have less gross floor area overall because when you get four lots you get much smaller houses; you would end up with less gross floor area, less coverage, and the other benefit is a reserved area around the perimeter of the property which protects the neighbors. There would be over 100,000 square feet of reserved area. Mr. Hajek stated that a tennis court is shown on the reserved area. Mr. Tarbet stated that the reserved area would be 111,000 square feet and the proposal for the tennis court is also up for discussion.

Ms. Riley stated that the Village has a lot of issues with perimeter buffers. Mr. Hajek stated that he understands the concept behind four lots noting that the resulting lots are more in keeping with the character of the neighborhood but distinguishing this proposal from others in the Village in terms of the required variances will be a tough lift.

Mr. O'Connell asked for the percentage of variance that would be required. Mr. Hajek stated that it would be 8 percent, 7.8 percent and will review the proposals for the next meeting and offer some comments. He noted that the same outcome could be accomplished by creating lots that are more conforming with the neighborhood by mandating a cluster without increasing the density beyond what is permissible by Zoning. Mr. O'Connell and Ms. Collins stated that they like the concept but the concern is how it will be distinguished.

Mr. Tarbet stated that the property has been in the family for 60 plus years, there is no rush to subdivide the property, it is estate planning. Mr. O'Connell stated that he likes that there would be less allowable gross floor area. Mr. Tarbet stated that eventually the application will go to a public hearing and that there are 12 neighbors who most likely would prefer smaller lots; providing a preserve around the entire perimeter of the property

would give neighbors 64 feet to the building envelope, no road near their property, and open space. Mr. Hajek stated that with reference to the proposed strip of the reserved area surrounding the property, it is problematic, it is enticing to encroach upon it; ideally reserved areas are larger blocks of land rather than little strips, people are going to be inclined to want to put fencing in there and landscape it. Mr. Hajek continued that it would be his preference for a larger contiguous block of open space, preferably along Cove Hollow Road, preferably in the northeast corner where there is a low spot where the tennis court is proposed to be located. Mr. Tarbet stated that it is about an acre and if you take the 30 foot wide strip, it could be slid to that corner where the shared tennis court is proposed to be located.

Mr. Hajek asked Mr. Tarbet if he would be interested in submitting a cluster plan of three lots as an option. Mr. Tarbet stated that a cluster subdivision would be the Village's heavy hand, it is not something that the applicant is interested in doing but if the Village requires it, he would have to discuss it with his client. Ms. Farber stated that she would appreciate it if Mr. Tarbet would discuss it with his client. Ms. Riley stated that the Board cannot require it. Mr. Tarbet stated that the Village would have to find it is in the interest of preserving open space, however, if you think of the Georgica area, this area is developed. The applicant could go out tomorrow and clear seven acres although the applicant is not interested in doing that, the applicant is looking to preserve the land but in an area where it is all manicured estates, there is not a huge benefit to requiring open space. Ms. Riley stated that that is true of the whole Village. Mr. Hajek stated that it is not just about preserving trees though; the way the plan is laid out to develop four lot plus a fifth to build a tennis court, there is a substantial amount of grading that is going to occur along Cove Hollow Road and you would probably need retaining walls to get in basements and septic systems; the tennis court could not be built without substantially grading most of the reserved area in that corner. Mr. Tarbet stated that if four lots were to be considered, the applicant would be willing to eliminate the tennis court which would result in the four lots not having tennis courts. With reference to requiring a cluster plan, Ms. Riley stated that she does not see anything in the Code that says that the Board has to make any specific finding about trees or special environmental features; it says if the Board finds in its sole discretion that it would benefit the Village regardless of the number of new lots that the applicant proposes to create. If the owner makes written application to preserve more than 50 percent of the land, the Planning Board

may use the authority, etc. Mr. Tarbet stated that if the Board wants an open space subdivision, he will go back to his client and tell them.

Mr. Hajek questioned whether any more of the survey work has been done as he had suggested in his report; edge of pavement on both sides of Cove Hollow Road and Jericho Road, the curb cuts in the area, or having the topography extend off the lot. Mr. Tarbet stated that they are still in the design phase. Mr. Hajek stated that some of those items might be helpful in designing the subdivision, finding out where the drainage structures are located on Jericho Road, the extent of the low spot, and all the other curb cuts in proximity of Cove Hollow Road and Jericho Road which a lot of them are common/shared driveways at least on Jericho Road. A test hole would be useful too to ascertain depth to groundwater because that will dictate if deep basements can be installed and how much grading is going to be required for septic systems.

Mr. Tarbet stated that the reason he came back to the Board with the proposal, the low point Mr. Hajek talks about is at the corner of Cove Hollow Road and Jericho Road which is why the reserved area was put there and also to eliminate the multiple driveway access points. Mr. Hajek stated that all along the Cove Hollow Road frontage is a low point but it does pool up at the Jericho and Cove Hollow Road corner. The access point as shown in the three lot subdivision is the preferred location and pretty close to where the existing driveway is located. Mr. Tarbet stated that the trees on the property are in pretty bad shape which the Board may want to keep in mind. Ms. Farber stated that with reference to the reserved area around the lots, whether there are three houses or four, people are going to put in their own visual barriers.

Mr. Tarbet stated that he will not come back before the Board until the test hole and topo information is added to the map.

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Upon motion of Karen L. Collins, duly seconded by Obron Farber, the Board unanimously adjourned the meeting at 11:25 a.m.

**FILED**  
**VILLAGE OF EAST HAMPTON, NY**  
**DATE** October 16, 2018  
**TIME** 3:00 p.m.



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