

86 Main Street
East Hampton, New York 11937-2730

JERRY LARSEN, Mayor



631.324.4150 • Fax 631.324.4189
www.easthamptonvillage.org

VILLAGE OF EAST HAMPTON

Office of

PLANNER

DATE: December 24, 2020

TO: Incorporated Village of East Hampton Planning Board
Kenneth Wessberg, Chair

FROM: Billy Hajek

RE: Kazickas Subdivision Modification
Property Situate 209 Further Lane (Cross Highway Driveway)
SCTM#301-5-2-14

The Planning Board received a request to modify conditions of the August 4, 1977 subdivision waiver approval for Dr. Joseph P. Kazickas. Specifically, the request is to eliminate a condition requiring driveway access to the subject property be limited to the northerly half of the lot on Cross Highway (to keep curb cuts away from the intersection with Further Lane).

SEQRA:

Modifications of prior subdivisions do not appear to be specifically identified as Type II Actions. Therefore, the project appears to be an Unlisted Action and the applicant is required to submit an Environmental Assessment Form Part I.

Background:

The subject property is located at the northeasterly corner of the intersection of Cross Highway and Further Lane, with a street address of 209 Further Lane. The property is located in the R-160 zoning district and is 57,116 square feet in size. The parcel is improved with a partial 2-story residence, swimming pool, yoga studio and various patios. There is an open building permit on the property to make renovations and construct additions to the residence and to construct two pool houses. A variance request to construct a detached garage within the front yard (and within the front yard accessory structure setbacks) is pending before the Zoning Board of Appeals. The parcel has two curb cuts extending onto Cross Highway, which is the subject of this request.

RECEIVED
12/24/20

The most recent Certificate of Occupancy issued to the property is dated May 14, 2018. The applicants acquired the property in May 2018.

The subject property are located in flood zone X. No topographic information has been provided with the request, however the property sits approximately 24 feet above sea level. No protected natural features are known to exist on or directly adjacent to the subject properties. This area is known for containing soils with high clay content and poor drainage qualities and this general area of Further Lane has experienced flooding problems in the past. A “low spot” within the roadways exists in the general vicinity of Further Lane and Cross Highway.

Proposed Request:

The subject property is identified as Lot 2 in the subdivision of Dr. Joseph P. Kazickas, which received Planning Board approval via resolution adopted August 4, 1977. The Planning Board granted approval conditioned upon “*Access to a public road for parcel two (2) be limited to the northerly half of that said parcel on Cross Highway.*” This condition is consistent with nearby subdivisions that either prohibit access directly onto Further Lane or require the sharing of a common driveway to reduce the number of curb cuts.

The subject property was developed between 1978 and 1980. Based on a review of Village files and aerial photographs, the southerly (or second) curb cut was installed sometime *after* August 1994.¹

I point out the following site conditions to the Planning Board:

- The intersection of Cross Highway and Further Lane is controlled by stop signs at two locations.
- The Further Lane right-of-way varies in width and is not a uniform. At the point of intersection with Cross Highway, Further Lane is 33 feet wide (whereas a “standard” village road generally consists of a 50-foot wide right of way). This results in narrow roadway shoulders, or in some instances no shoulder, public utilities located on private properties and limited area to properly align intersections.
- The edge of pavement at the intersection of Further Lane and Cross Highway encroaches onto the southwesterly corner of the property.
- Traveling westbound on Further Lane, the stop sign at Cross Highway sits approximately 48 feet east of this property’s southwestern corner. I parked in the southerly driveway curb cut at the point where the driveway meets with Cross Highway and automobiles stopped at the Further Lane stop line (headed either westbound or turning right (north) onto Cross Highway were not visible (when stopped at the stop line).

¹ A survey prepared by George Walbridge Surveys dated August 15, 1994 shows one curb cut on Cross Highway at the northerly end of the property. A Google Earth image from April 7, 1994 shows one curb cut on Cross Highway at the northerly end of the property.

- The intersection of Cross Highway and Further Lane is a low spot and drainage easements were necessary across neighboring properties to alleviate some of the roadway ponding problems.

The Planning Board should be satisfied the applicant has adequately demonstrated that a change of circumstances exists that warrants modifying a prior Board's decision.

Attached is a 2018 aerial photograph depicting the driveway curb cut in question and a December 22, 2020 photograph of the roadway intersection. I am available to answer questions or provide additional information that may be required by the Planning Board. -BH



04/05/2018

1 of 14

Select Date



**SUBJECT
PROPERTY**





Pam Bennett

From: Bill Hajek
Sent: Thursday, December 24, 2020 11:45 AM
To: Pam Bennett
Subject: Kazickas Subdivision Modification | Report to Planning Board
Attachments: 20201224 report to planning board re Kazickas Subdivision Mod w. attachm....pdf

Hi Pam,

Attached please find my report to the planning board in connection with the Kazickas modification request.

Billy Hajek, Planner
Village of East Hampton
Office: 88 Newtown Lane
East Hampton, NY 11937
631-527-5493



ADAMMILLERGROUP

Brian J. DeSesa, Esq.
desesa@adammillergroup.com

December 8, 2020

VIA EMAIL/HAND DELIVERY
East Hampton Village Planning Board
J. Kenneth Wessberg, Chairman
1 Cedar Street
East Hampton, NY 11937

Re: Request to Amend Planning Board Decision Adopted August 4, 1977
Address: 209 Further Lane, East Hampton, NY; SCTM No.: 0301-005-02-14

Dear Chairman Wessberg,

On behalf of the owner of the above-referenced property, the undersigned hereby requests that the decision adopted by the Planning Board on August 4, 1977, a copy of which is attached hereto and made a part hereof as Exhibit "A", be amended to allow for the existing curb cuts to remain in their current position.

The attached decision in response to a requested subdivision waiver was granted on the condition that access to a public road for the property located at 209 Further Lane (the "Premises") be limited to the northerly half of that said parcel on Cross Highway. Despite this decision, however, there remain two curb cuts on the Premises: one on the northerly half of the parcel onto Cross Highway, and another on the south-eastern corner onto Further Lane, as depicted on the survey prepared by Barylski Land Surveying dated April 4, 2018, a copy of which is attached hereto and made a part hereof as Exhibit "B". There are no Covenants or Restrictions recorded against the Premises, and there are no notes on the subdivision map prohibiting the additional curb cut. The 1977 decision is the only restriction on the ability to have two driveways to the Premises.

Received
12/8/20 (PA)

The Board's reasoning related to this decision was based on a finding that "[t]raffic safety would be benefited if access to the two proposed lots were limited to Cross Highway." However, the fact that two driveways have remained undisturbed at the Premises for more than forty years without creating a dangerous traffic condition is a testament to the fact that the Board's reasoning, while well-intentioned, did not in fact result in an overall increase in safety on the road.

Furthermore, when the current owners purchased the Premises in 2018, they received an updated Certificate of Occupancy. The issuance of the updated Certificate of Occupancy affirmed and reinforced the existence of the existing curb cuts, and also meant that the current owners had no way of knowing that the two cuts were not permitted.

Accordingly, and in consideration of the curb cuts' existence in their current location for more than forty (40) years since the issuance of the Planning Board's decision, the undersigned hereby requests that the Board amend their prior decision to eliminate the limitation to one driveway to allow the Premises to remain in their current state as depicted on the Exhibit "B" survey.

Upon your review please do not hesitate to contact me if you have any questions or require anything further to pursue this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian J. DeSesa", with a long horizontal flourish extending to the right.

Brian J. DeSesa

BJD: hw
Enclosed

EXHIBIT A

APPLICATION OF DR. JOSEPH P. KAZICKAS FOR A SUBDIVISION WAIVER

Adopted: August 4, 1977

WHEREAS, pursuant to Section 50 of the Code of the Village of East Hampton application has been made by Dr. Joseph P. Kazickas covering premises on the north side of Further Lane and the east side of Cross Highway, and

WHEREAS, applicant has submitted to this Board a map of the proposed subdivision into two (2) lots, said map having been prepared by George H Walbridge Co. and dated June 17, 1977, and

WHEREAS, this Board finds:

1. Premises are situate on the easterly side of Cross Highway and the North side of Further Lane.
2. Premises consists of approximately 2.8 acres and are vacant.
3. Proposed subdivision satisfies all zoning requirements.
4. Traffic safety would be benefited if access to the two proposed lots were limited to Cross Highway.
5. It is the Board's determination that the proposed lots exceed more then 150% of the minimum zoning.
6. According to the sketch submitted, each of the proposed lots does so exceed that minimum.

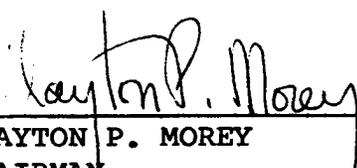
NOW, THEREFORE, BE IT RESOLVED, that the requested subdivision waiver is hereby granted conditioned the following:

a. Access to a public road for parcel two (2) be limited to the northerly half of that said parcel on Cross Highway.

b. If a survey shows that either or both of the proposed parcels exceed 60,000 square feet submission to and acceptance by the Village Board of Trustees for a Large Lot Easement will be required.

Prior to issuance of a Building Permit by the Building Inspector, appropriate conformation of the size of each lot shall be submitted to the Building Inspector.

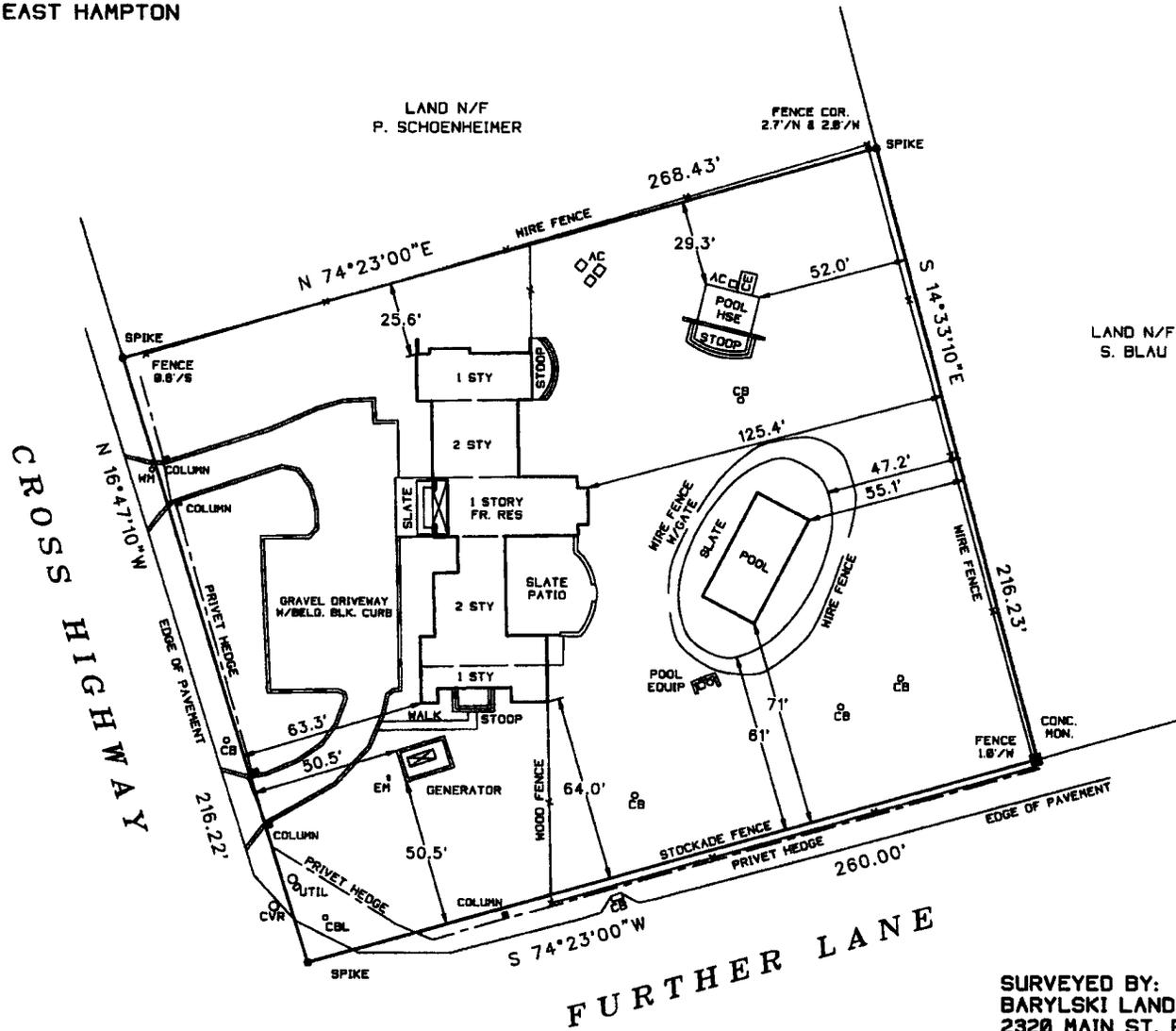
Upon fulfilment of the above conditions the Building Inspector is authorized to issue Building Permits and also issue Certificates of Occupancy for each parcel if all other Zoning requirements are satisfied.



CLAYTON P. MOREY
CHAIRMAN
PLANNING BOARD

SURVEYED FOR JABR LLC
 PROPERTY LOCATED IN THE VILLAGE OF EAST HAMPTON
 TOWN OF EAST HAMPTON
 SUFFOLK COUNTY, NEW YORK
 S.C.T.M. # 301-005-02-14.2
 AREA = 57,116 SF. = 1.3112 ACRES
 SCALE: 1"=40'

NOTE: THE EXISTENCE OF RIGHT OF WAYS,
 WETLANDS AND/OR EASEMENTS OF RECORD
 IF ANY. NOT SHOWN ARE NOT GUARANTEED.



UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION
 OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYORS INKED
 OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.

GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO
 THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO
 THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION
 LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION.
 GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL
 INSTITUTIONS OR SUBSEQUENT OWNERS.

CERTIFIED TO:
 JABR LLC
 FIDELITY NATIONAL TITLE INS CO.

John Barylski

24165-A

SURVEYED BY:
 BARYLSKI LAND SURVEYING
 2320 MAIN ST. P.O. BOX 1302
 BRIDGEHAMPTON, NEW YORK
 (631-537-7944)
 APRIL 4, 2018



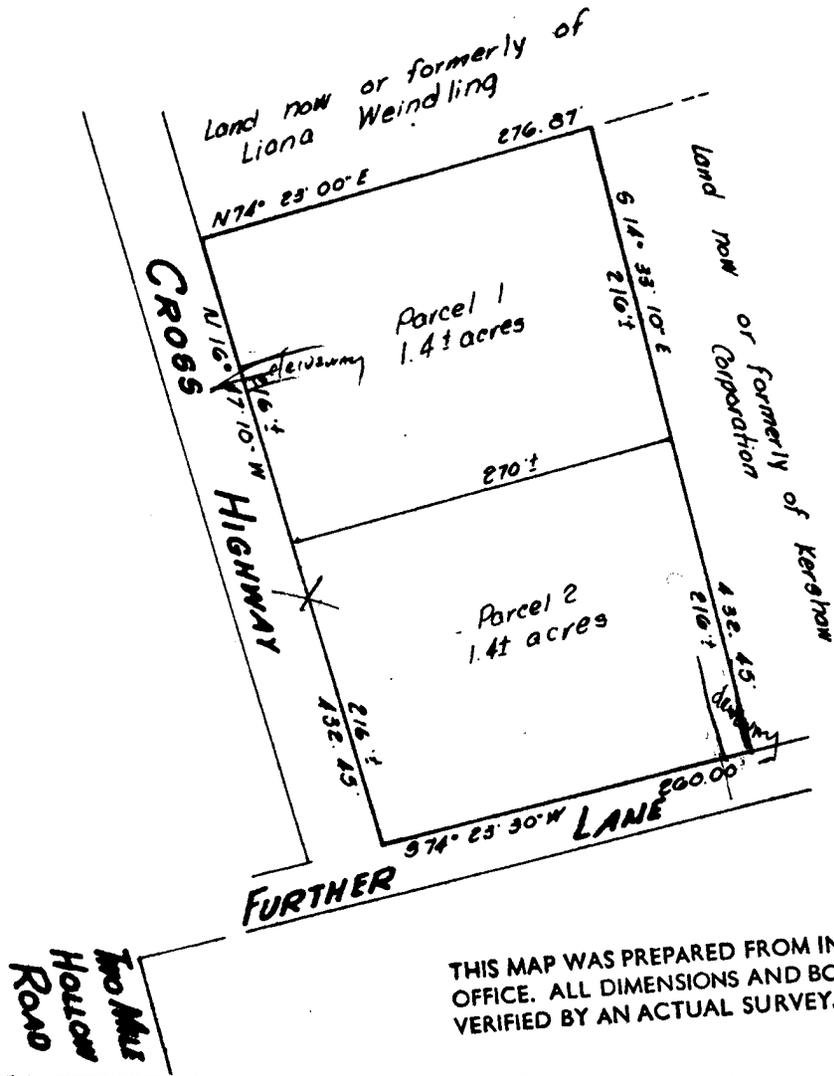
SCHEDULE B

M 7066

MAP OF PROPOSED DIVISION OF PROPERTY

Situate:
Incorporated Village of East Hampton,
Town of East Hampton, Suffolk Co., N.Y.
Scale: 1" = 100'

total area: 2.664 acres
School district: East Hampton
Fire District: East Hampton
total no. of lots: 2
Inc. Village of East Hampton Bldg Zone:
Prepared for:
R. Trunzo



THIS MAP WAS PREPARED FROM INFORMATION IN THIS OFFICE. ALL DIMENSIONS AND BOUNDARIES SHOULD BE VERIFIED BY AN ACTUAL SURVEY.

Prepared June 17, 1977 from information in the office of:
George H. Wateridge Co.
Land Surveyors & Land Planners
East Hampton, New York
0801-005-02-14 — T.F.L. 9/31