

Minutes
Planning Board
March 14, 2019

Those present were:

Philip O'Connell, Chairperson
Obron Farber, 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
Madeline VenJohn, Attorney on behalf of Gates and Moran
June E. Lester, Secretarial Assistant

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

1. **Minutes**

Upon motion of J. Kenneth Wessberg, duly seconded by Philip O'Connell, the Board unanimously approved the minutes of February 14, 2019.

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

The Board is in receipt of a letter from Madeline VenJohn Esq. dated March 12, 2019 along with an Environmental Assessment Form Part I and a revised map (LLM Map Revised: March 3, 2019), all marked received March 12, 2019.

Madeline VenJohn Esq. appeared on behalf of the applicant and stated that the changes to the map were items that Village Planner Billy Hajek had requested in his memorandum of review dated February 27, 2019; the edge of lawn is shown which is relatively near the edge of the wetlands, the existing septic is shown, and the existing water service is shown. With reference to the existing curb cuts, three curb cuts exist and three will result; the 33 Ocean Avenue curb cut will be re-directed internally to service Proposed Lot 2 after completion of the lot line

modification. Mr. O'Connell asked if the lot area has been revised to exclude the area of wetlands. Ms. VenJohn said yes.

Ms. VenJohn stated that there were easements found in prior deeds of the properties from the 1970's; there is a "Dredged Arm of Hook Pond" indicated on the northern lot (Proposed Lot 1) that was included in a 1979 deed that basically says there are rights of others over that area. Ms. VenJohn added that there are not a lot of details in the deed but that she believes it is similar to the drainage easements that are found further north in that arm of Hook Pond. There are easements on the southern property (Proposed Lot 2) that are shown on the survey, the applicant was given an easement toward Hook Pond over a neighboring property which will not be affected by the Lot Line Modification. Ms. VenJohn asked the Board if they had any questions.

Ms. Farber stated that she needs additional time in which to review the material submitted today but asked about the gore. Mr. O'Connell stated that it is marked on the new survey. Mr. Hajek noted that that land is currently not being counted toward either lot so when you add that amount of land area in, that results in an increase in allowable gross floor area and coverage; one half a foot wide by 566 feet long. Ms. VenJohn stated that it is a 17 square foot increase in GFA. Mr. Hajek stated that he has not had an opportunity to review the EAF but looked at the map this morning which appears to show all the elements that he had requested and which are required for a subdivision. Mr. Hajek continued that he thought the edge of lawn went right to the water but may have misjudged it but noted that recent clearing of the wetlands on the southerly lot has taken place and it appears that it is being mowed in an attempt to control phragmites. Ms. Farber asked if they are required to have a permit for that work. Mr. Hajek said yes. Ms. Farber questioned whether the Board can control the number of curb cuts. Ms. Riley said yes, it can be established as a condition of approval if there is a rational basis and if there is some nexus between the relief they are seeking and the condition. Mr. Hajek stated that the road in front of the lots is fairly straight and that he does not see any sight distance issues. The Village has in the past attempted to control the number of curb cuts to maintain a rural character but that is usually occurring in areas of more heavily traveled roadways or where there are sight distance issues.

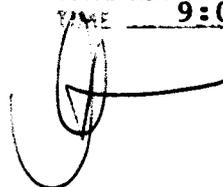
Mr. O'Connell asked if the Zoning Board will be the lead agency. Ms. Riley stated that there is no reason why one Board would take precedence over another; the Planning Board does not have to wait for the application to be on the Zoning Board's agenda. If the Planning Board wants to assume lead agency status, a letter can be forwarded to the Zoning Board requesting same. The Board agreed that it

would like to assume lead agency status. Ms. Riley stated that if the Planning Board assumes lead agency status, that means that the Planning Board will be reviewing the EAF Part I and preparing the Part II and coming up with a SEQR determination as to whether or not the application will have an impact; neither Board can act until one of the two Boards adopts a SEQR determination. Mr. O'Connell stated that the Board will review for the next meeting the Environmental Assessment Form Part I.

Ms. Farber asked if the Village has certain regulations with reference to fertilizers/pesticides near wetlands. Mr. Hajek stated that the Village does not name what can or cannot be used specifically but the Village Code prohibits application of fertilizers or planting of ornamental vegetation within 125 feet of a wetland. Ms. Riley stated that items the Board may consider in terms of conditions, if after everything is reviewed and if the Board determines that there are issues with the clearing and the landscaping, are a buffer zone, a re-vegetation zone, a no-mow zone, and/or a no fertilizer zone; that can be part of the review which is one reason the Board assumes lead agency status. Mr. Hajek stated that he will revisit the site with the new map and walk the clearing line again. With reference to a buffer, Ms. VenJohn asked if there is a general consensus that multiple Board Members would be looking for a proposal. Ms. Riley stated that a proposal is always welcome. Mr. O'Connell stated that he would like to see that. Mr. Hajek stated that the applicant will probably want to do some landscaping because there is fencing and an old hedgerow between the two lots and when the property line is relocated, they are going to want to re-landscape and move that and some of that might be within the wetland's jurisdiction.

Upon motion of Philip O'Connell, duly seconded by J. Kenneth Wessberg, the Board unanimously adjourned the meeting at 11:20 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE June 17, 2019
TIME 9:00 a.m.



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