

Minutes
Planning Board
May 9, 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
J. Kent Howie, Ordinance Inspector
Billy Hajek, Village Planner
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**

The adoption of the March 14, 2019 minutes was adjourned until the June 13, 2019 meeting.

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, as well as a letter from Leonard I. Ackerman Esq. dated May 8, 2019 requesting an adjournment until the June 13, 2019 meeting.

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

Subsequent to the March 14, 2019 meeting, the Board is in receipt of a letter from Madeline VenJohn Esq. dated April 3, 2019 along with a proposed Revegetation Concept Plan, a drafted Environmental Assessment Form, Parts 2 and 3, from Village Planner Billy Hajek dated April 26, 2019, and a letter from

Madeline VenJohn Esq. dated May 3, 2019 along with a proposed Planting Plan and Schedule for Wetland Revegetation.

Madeline VenJohn Esq. appeared and stated that the first revegetation sketch she submitted proposes to replace 5,400 square feet of legally preexisting lawn with native plantings and her second submittal details the plant species and the spacing. Mr. O'Connell asked for further clarification about the notation on the concept plan "No mowing/trimming/disturbance of this area until a phragmites removal permit has been obtained." Ms. VenJohn stated that that area is not supposed to be touched but after the Lot Line Modification application goes through, the owner of Proposed Lot 2 plans to apply for a phragmites removal permit so no revegetation will take place until after that process is complete. Ms. Farber asked if there is a requirement to remove phragmites. Mr. Hajek said no but that he has reviewed the proposed planting plant and the species are appropriate.

Mr. Hajek stated that he has drafted an EAF Long Form, Parts 2 and 3, and that the matter is scheduled for a Public Hearing for the variances tomorrow. Before the Zoning Board can act, the Planning Board would have to make a SEQR Declaration and it would be appropriate for the Planning Board to send the Zoning Board some comments. Mr. O'Connell noted for the record that the Board has received correspondence from both the Zoning Board and the Suffolk County Department of Health Services stating that they have no objection to the Planning Board having lead agency status. With reference to a Public Hearing, Ms. Riley stated that the Board could hold a combined hearing on SEQR and the application.

Ms. Farber expressed concern about clearing of phragmites in connection with to item 3j of the EAF Part 2, "The proposed action may involve the application of pesticides or herbicides in or around any water body." Ms. Riley stated that the clearing of phragmites would not be done with chemicals. Mr. Hajek added that the EAF only addresses the application for the Lot Line Modification, however, the proposed revegetation would presumably reduce the amount of pesticides or fertilizers because there will be less lawn. Mr. O'Connell asked about item 12 "Impact on Critical Environmental Areas" and asked if there is a table of Critical Environmental Areas. Ms. Riley stated that the Village has not adopted a table although many municipalities have. Mr. Hajek stated that the Department of Environmental Conservation has a list. Ms. Riley stated that the double dunes would be a critical environmental area. Mr. Hajek added that the Pine Barrens is also a critical environmental area. Ms. Farber asked for clarification about item 17 "Consistency with Community Plans" as yes is

checked. Mr. Hajek stated that that is correct because it is not consistent with the Zoning Code as a variance for the Lot Line Modification is required.

The Board unanimously adopted the Negative Declaration.

Ms. VenJohn stated that the Zoning Board is required to ask the Planning Board for written comments and wondered if it might make sense to give the ZBA something in advance so the hearing does not have to be left open. Ms. Riley stated that she will communicate to the Zoning Board that the Planning Board has no objection to the requested variances and offers no comments. Mr. Hajek stated that since this application is a subdivision waiver, the Code allows the waiving of a public hearing. Mr. O'Connell stated that since the Board has held hearings on other lot line modifications, for consistency, he feels a hearing should be held. Ms. Bennett stated that the hearing date would be June 13, 2019. Ms. Riley stated that the application needs to be referred to the Village Engineer, Fire Department, and Department of Public Works for comment. Ms. VenJohn is to submit additional copies of the map.

Upon motion of J. Kenneth Wessberg, duly seconded by Philip O'Connell, the Board unanimously adjourned the meeting at 11:17 a.m.

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

