



TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

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April 23, 2009

TO: Planning Board

FROM: Tara Powers, Principal Planner

RE: DL Talmage Commercial Site Plan/Special Permit
SCTM# 300-147-1-22.2, 22.3, 25 & 26
Application # A0520080064

Last Review Date: April 22, 2009

Items and Date Received: Not applicable

Background Information:

The application is one site plan consisting of four separate phases of construction for four similar buildings on four adjoining parcels. The first lot takes access directly off Sherrill Fosters Path (formerly King Street) in East Hampton. The three remaining parcels share common access through access easements over the lot that directly abuts Sherrill Fosters Path. Each parcel is proposed to contain four separate service commercial uses, except lot two which contains five uses and two of the lots, lots 1 and 4, are proposed to contain four accessory apartments. The site plan shows all four lots and their associated improvements since the submission is one large interrelated project. The individual layout of each parcel is fundamentally the same with small differences in order to achieve the proper flow between the four parcels.

The subject property is located on Sherrill Fosters Path, off Queens Lane in East Hampton and is zoned Commercial Service. The lots were created as part of the Commercial Heights Subdivision. To the south of the subject parcels are nine affordable housing lots owned by the Town of East Hampton. To the north of the parcels is the Town of East Hampton Recycling Center, specifically the capped landfill. To the east is vacant residentially zoned land and to the west is vacant commercially zoned land.

The parcels are located within the Pine Barrens Region and the South Fork Special Groundwater Protection Zone. It is predominantly forested, dominated by mixed oaks. There is an abandoned road bed on the southern portion of the four parcels.

Issues for Discussion:

1. Environmental Assessment Form Part II.

At the last review the Board was satisfied with the submissions and determined that the application was now ready for a SEQRA declaration. The Planning Department has prepared the attached Environmental Assessment Form Part II. No significant adverse impacts were found as a result of the proposed project. It is recommended that the Board make a negative declaration pursuant to SEQRA at this time.

2. Public Hearing.

If the Board agrees to a negative declaration, the application is now ready to be scheduled for public hearing.

TP

Planning Board Consensus

Negative Declaration?

Additional comments: _____

Is the application ready to be scheduled for a public hearing?

Additional comments: _____

Additional Board Comments:

Note: This document shall not be considered official until and unless it has been signed by the responsible official of the lead agency.

TOWN OF EAST HAMPTON
NEW YORK 11937
ENVIRONMENTAL ASSESSMENT FORM
PART II
(To be completed by Lead Agency)

TOWN REVIEWING AGENCY: Planning Board

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PROJECT TITLE:	D.L. Talmage Commercial	<input checked="" type="checkbox"/> SITE PLAN
STREET:	Sherrill Fosters Path	<input type="checkbox"/> SUBDIVISION WAIVER
SCHOOL DISTRICT:	East Hampton	<input type="checkbox"/> SUBDIVISION
ZONING DISTRICT:	Commercial Service (CS)	<input checked="" type="checkbox"/> SPECIAL PERMIT
SUFFOLK COUNTY TAX MAP:	300-147-1-22.2, 22.3, 25 & 26	<input type="checkbox"/> ZONE CHANGE
		<input type="checkbox"/> VARIANCE
		<input type="checkbox"/> NATURAL RESOURCES SPECIAL PERMIT
		<input type="checkbox"/> OTHER

APPLICANT: DL Talmage
c/o Land Planning Services, Ltd.

ADDRESS: PO Box 1313
East Hampton, NY 11937

TELEPHONE: (631) 537-8500

COMMENTS:

The application is one site plan consisting of four separate phases of construction for four similar buildings on four adjoining parcels. Each parcel is proposed to contain four separate service commercial uses, except lot two which contains five uses and two of the lots, lots 1 and 4, are proposed to contain four accessory apartments. The site plan shows all four lots and their associated improvements since the submission is one large interrelated project. The individual layout of each parcel is fundamentally the same with small differences in order to achieve the proper flow between the four parcels.

The subject property is located on Sherrill Fosters Path, off Queens Lane in East Hampton and is zoned Commercial Service. The lots were created as part of the Commercial Heights Subdivision. To the south of the subject parcels are nine affordable housing lots owned by the Town of East Hampton. To the north of the parcels is the Town of East Hampton Recycling Center, specifically the capped landfill. To the east is vacant residentially zoned land and to the west is vacant commercially zoned land.

The parcels are located within the Pine Barrens Region and the South Fork Special Groundwater Protection Zone. It is predominantly forested, dominated by mixed oaks. There is an abandoned road bed on the southern portion of the four parcels. Soils consist of Plymouth loamy sand (0 to 3% slopes and 3 to 8% slopes). The parcel is situated in FIMA's Flood Hazard Zone X. This application is classified as an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code.

POSSIBLE IMPACT ON LAND

1. Will there be a significant adverse impact as a result of physical change to the project site?

Yes

No

The parcel is currently vacancy and wooded and the new development will consist of four 7,790 sq. ft. commercial buildings with basements and two of the structures will have four accessory apartments on the second floor. This type of intense development was anticipated at the time of subdivision. The Commercial Heights Subdivision was in conjunction with a rezoning of the land. The subject parcels were zoned Commercial Service in anticipation of this project. The subject improvements are consistent with the development that was expected to occur in this location.

2. Will there be a significant adverse Impact to any unique or unusual landforms on the site?
Yes No
No unique or unusual landforms have been identified on site.

POSSIBLE IMPACT ON WATER

3. Will there be a significant adverse impact to any water body designated as protected?
Yes No
There are no water bodies within proximity of the project site.

4. Will there be a significant adverse impact to any non-protected existing or new body of water?
Yes No

See response to Question #3.

5. Will there be a significant adverse impact to surface or groundwater quality?
Yes No
The applicant has agreed to comply with the Town's Groundwater Protection Policy for the first floor and basements of the four structures. This groundwater protection policy includes improvements that will ensure if any hazardous chemicals are spilled, they will not leech into the groundwater supply. The four proposed dumpsters are also to be located on asphalt for the same reasons. The Town's consulting engineer who reviewed the project felt that the drainage provided on site was sufficient to contain all runoff on site.

6. Will there be a significant adverse impact as a result of altered drainage flow patterns or surface water runoff?
Yes No
As previously stated, all runoff is required to be contained on site and the drainage plans submitted appear to satisfy this requirement.

POSSIBLE IMPACT ON AIR QUALITY

7. Will there be a significant adverse impact to air quality?
Yes No
The proposed uses are not known to generate excessive air pollution and are consistent with uses permitted in that zoning district.

POSSIBLE IMPACT ON PLANTS/ANIMALS

8. Will there be a significant adverse impact to any threatened or endangered species?
Yes No
No threatened or engendered species have been identified on site.

9. Will there be a significant adverse impact to non-threatened or non-endangered species?
Yes No
A majority of the site will be improved. There are no clearing restrictions for parcels zoned Commercial Service. Regardless, the applicant is proposing wooded buffers along the east, west and south property lines. These wooded buffers will allow some of the natural flora and fauna habitat to remain. The wooded buffer to the south abuts a wooded buffer established on the adjacent lots.

POSSIBLE IMPACT ON AGRICULTURAL LANDS

10. Will there be a significant adverse impact to agricultural land resources?
Yes No
No agricultural land resources have been identified within proximity to the parcels.

POSSIBLE IMPACT ON AESTHETIC RESOURCES

11. Will there be a significant adverse impact to aesthetic resources?

Yes No

The wooded buffers and proposed landscaping should help to screen the proposed use from public view. The parcel is situated directly adjacent to the capped East Hampton Town Landfill on the north side. The use is consistent with uses on parcels in the surrounding area, particularly to the west and is also consistent with what is allowed in the zoning district. A stockade fence has been installed between the subject lots and the residential lots to the south to separate the uses as much as possible. The site plan has been designed so that the commercial activity occurs on the northern portion of the lot and the residential use occurs on the southern portion of the lot.

POSSIBLE IMPACT ON HISTORIC RESOURCES

12. Will there be a significant adverse impact to any site or structure of historic, prehistoric or paleontological importance?

Yes No

No historic, prehistoric or paleontological items of importance have been identified within proximity of the subject parcels.

POSSIBLE IMPACT ON OPEN SPACE AND RECREATION

13. Will there be a significant adverse impact to the quality and quantity of existing or future open space or recreational opportunities?

Yes No

No open space or recreational opportunities have been identified for the subject parcels.

POSSIBLE IMPACT ON TRANSPORTATION

14. Will there be a significant adverse impact to existing transportation systems?

Yes No

The first lot takes access directly off Sherrill Fosters Path (formerly King Street) in East Hampton. The three remaining parcels share common access through access easements over the lot that directly abuts Sherrill Fosters Path. There are two access roads. The northern access is for the commercial uses and the southern access is for the apartments. The impact on transportation systems was reviewed at the time of the subdivision and rezoning and it was deemed that the roads could handle the traffic generated by this site. The proposed improvements are consistent with what was expected at that time. Additionally, the engineer reviewing this project did not identify any potential problems for transportation systems as a result of the proposed improvements.

POSSIBLE IMPACT ON ENERGY

15. Will there be a significant adverse impact to the community's sources of fuel or energy supply?

Yes No

The uses proposed are not known to utilize excessive amounts of fuel or energy. The project is expected to utilize average fuel and energy supplies expected for those uses.

POSSIBLE IMPACT ON NOISE

16. Will there be objectionable odors, noise, glare, vibration or electrical disturbance as a result of this project?

Yes No

Aside from the normal disturbances associated with construction, objectionable odors, glare vibrations or electrical disturbances are not expected. All exterior lighting is full cut-off and complies with the Town Code. As previously stated, the commercial uses are on the north side of the parcel which are separated from the residential uses by a concrete wall, the buildings themselves and additional landscaping for increased buffering.

POSSIBLE IMPACT ON HEALTH AND HAZARDS

17. Will there be a significant adverse impact to public health and safety?

Yes No

The Town of East Hampton Landfill is directly to the north of the subject parcels. Monitoring of the capped landfill has detected elevated methane levels in the soil along the south side of the landfill. In response to these monitoring results, the Town installed a methane gas extraction system along the south side of the landfill in the fall 2008. Methane monitoring data collected in December 2008 shows a noticeable decline in the methane concentrations along the south side of the landfill. This suggests that the methane gas extraction system is working.

The Town's landfill consultant will continue monitoring this portion of the landfill and those results must be provided to the Town and the NYS Department of Environmental Conservation. After reviewing these data, the Town's consultant, the Town and the NYS DEC will determine if additional actions are required, and determine when the landfill closure/cleanup goals have been achieved and monitoring and remediation can be terminated. Due to the proximity, the applicant agreed to give the Town an offer of dedication to install future wells on site if needed. This will be a condition of the site plan approval.

The Chief Fire Marshal reviewed the plans for the vehicle usage in the basements and found that the building would be safe as designed with the mechanical ventilation, carbon monoxide detection, fire sprinkler and fire separation between the basement and first floor of three hours as proposed.

POSSIBLE IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD

18. Will there be a significant adverse impact to the character of the existing community?

Yes No

The subject parcels are surrounded by either commercial uses or high density residential uses. The proposed project conforms to those uses. As previously stated, the commercial uses will be directly adjacent to the capped landfill and the residential use will abut the existing residential uses to the south. Buffering and screening has been provided to separate the uses on site as much as possible from the neighboring parcels. The uses are consistent with what was expected at the time of subdivision and rezoning of this parcel.

19. Is there or is there likely to be controversy related to the potential environmental impacts?

Yes No

No public controversy is expected. No written objections have been submitted to the file and the Board intends on holding a public hearing for this project to further solicit comments.

CONCLUSION:

Determination of Significance

- One or more potentially significant adverse environmental impacts have been identified which may result from the proposed project. A Positive Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.
- One or more potentially significant adverse environmental impacts have been identified which may result from the proposed project. However, by incorporating the mitigated measures identified in this Environmental Assessment Form, these potentially significant adverse impacts may be avoided. A Conditioned Negative Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.
- No potentially significant adverse environmental impacts resulting from the proposed project have

been identified. A Negative Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.

NAME OF LEAD AGENCY: Town of East Hampton Planning Board

Sylvia Overby
Print Name of Responsible Officer in Lead Agency

Planning Board Chairwoman
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Date

Prepared By (Signature)

April 23, 2009

Date