



# TOWN OF EAST HAMPTON

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December 29, 2008

**To:** Planning Board

**From:** JoAnne Pahwul, AICP  
Assistant Planning Director

**Re:** Fireplace Woods Final Subdivision  
SCTM#300-80-5-4.9, 4.10

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**Last Review Date:** May 21, 2008

**Items and Date Received:**

- Key map at a scale of 1:100 was received on May 21, 2008;
- Letter dated September 27, 2008 from the Springs Fire District was received on October 1, 2008;
- Feature Preservation Report prepared by Jo-Ann McLean and dated September 15, 2008 was submitted on October 6, 2008;
- Revised subdivision map prepared by Saskas Surveying Co. and dated December 4, 2008 and approval from the Suffolk County Department of Health Services was submitted on December 10, 2008;
- Letter dated December 8, 2008 from Christopher Kelley, attorney for the applicant received December 10, 2008.

**Background Information:**

Application is made for final approval to subdivide a 28.5 acre parcel located on Springs Fireplace Road into Lot 1, comprised of 2.1 acres, and a 26.4 acre parcel to be purchased by the Town for open space purposes. Lot 1 is improved with a single family residence and frame garage and is proposed to have a second unit of density. The application also involves the merging and reconfiguring of an outparcel, Lot 2, so as to transfer a 20' wide flag strip from the southerly side of Lot 1 to the northerly side. Lot 2 is also improved with a single family residence and will be comprised of 1.5 acres, excluding the area of the flag strip.

A preliminary application was originally submitted in 2003 for subdivision of the parcel, then zoned A-Residence, into 23 lots. The parcel was rezoned to A-5 Residence as a result of the 2005 Comprehensive Plan update, dramatically reducing density. To further reduce density and provide more open space in the densely developed hamlet of Springs, the Town worked with the applicant towards an agreement to purchase the 26.4 acres indicated on the map as a reserved area. This purchase will occur after the subdivision map receives final approval with CPF funding.

The flag strip of Lot 2, as now configured, is unopened and this lot presently takes access over the land that is to be conveyed to the Town as open space. A condition of the agreement with the Town is that the driveway be relocated within an area of Lot 2 and the final map complies with this requirement.

A 100' deep scenic easement consisting of 28,003 square feet is proposed across the front of Lot 1 to protect historic resources identified on the site during the preliminary review.

The Planning Board made an initial review of the final subdivision application on May 21, 2008 and deemed the application incomplete pending submission of a copy of the Suffolk County Department of Health Services approval and a recommendation from the Springs Fire District. The Board also requested that a 20' wide driveway easement be established through the scenic easement for the purposes of locating all driveway improvements and utilities while protecting the historic resources found on the site. The Board also requested that a driveway detail and notations regarding the location of the utilities be placed on the final map.

The Board sent a letter to the Town Board asking that the contract for the purchase of the reserved area be amended to allow for the applicant to continue utilizing the existing driveway so as to eliminate the future disturbance to the site necessary to cut a new driveway. The Town Board did not agree to allow the driveway to remain on what will become Town owned land.

### **Issues for Discussion**

1. The Suffolk County Department of Health Services has approved the proposed map.
2. The Springs Fire District has advised that it is not recommending any additional fire protection devices as a result of the proposed subdivision.
3. The map depicts a "trail free zone" as an additional restriction over the portion of the parcel that the Town is to acquire. Notation 5, indicating that no trails shall be permitted in the "Trail Free Zone" as shown on the map, was added to the revised map.
4. The Town Board did not agree to allow the applicant to retain the existing driveway to Lot 2 within the land proposed to be purchased by the Town.

Notation 2, indicating that Lot 2 will take driveway access from Springs Fireplace Road, in the location shown on the map (down the flagstrip), has been placed on the revised map. It is noted that a break in the conservation easement is provided for across Lot 1 to allow for the existing access to that lot to continue.

5. Notations 3 and 4 have been added to the map indicating that the utilities serving Lot 1 will be installed within the access strip and the utilities serving Lot 2 within the access/flag strip.
6. The driveway details have been placed on the map, as requested by the Board. Comments from the Town Engineer on these details are pending and will be submitted under separate cover.
7. In the Feature Preservation report submitted, Ms. McLean advises that she has completed the preservation of the historic features identified on the site during the preparation of the Stage IB archaeological report.
8. The Town Board held a public hearing on the conservation/scenic easement proposed along Springs Fireplace Road on December 19, 2008.
9. The applicant only submitted one copy of the final map that contains an original signature and stamp from the surveyor and nine more original copies are required.

In summary, the application appears to be complete pending submission of comments from the Town Engineer on the common driveway and nine additional copies of the revised subdivision map prepared by Saskas Surveying Co. and dated December 4, 2008, bearing the original surveyors stamp and signature. Conditions of approval should include the following:

- Preservation of the 26 acre parcel indicated on the map as a reserved area.
- Filing of the scenic conservation easement in the office of the Suffolk County Clerk.
- Filing of a declaration of covenants and restrictions in the office of the Suffolk County Clerk that includes the requirement that Lot 2 shall take driveway access from Springs Fireplace Road in the location shown on the map, that the utilities for Lot 1 shall be within the access strip for Lot 1, and that the utilities for Lot 2 shall be within the flag strip for Lot 2.

### **Planning Board Consensus**

The Board should review and discuss if needed the comments from the Town Engineer.

Additional comments: \_\_\_\_\_  
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The Board should determine whether the application is complete and ready for final approval after the additional copies of the revised map are received.

Additional comments: \_\_\_\_\_  
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**Additional Board Comments:**

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