



TOWN OF EAST HAMPTON

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February 25, 2008

TO: Planning Board

FROM: Tara Powers, Principal Planner

RE: Gansett Dunes Final Subdivision Modification
SCTM# 300-175-7-28

The application is a request to modify an existing subdivision approval in order to allow access to the subject parcel from Bluff Road. The Gansett Dunes subdivision was filed on January 9, 1978. A condition of that approval was that all lots take access from interior subdivision roads only. A ten (10) foot wide reserved area was established as part of this subdivision along Bluff Road that prohibits access from the individual lots to Bluff Road. The reserved area was dedicated to the Gansett Dunes Property Owners Association. The applicant now wishes to take access to his parcel through the reserved area to Bluff Road.



Although the actual resolution of approval for this subdivision cannot be located, the filed map has a note that states “Lots 22-30 inclusive shall take their access from interior subdivision roads only.” In addition, the covenants and restrictions filed for the subdivision states:

“For the purpose of prohibiting in perpetuity access from any and all lots of the Map directly to Bluff Road, the Owner reserves the title in and to the 10 foot strip which intervenes between lots numbered 22 and 31 inclusive, and Bluff Road. Said 10 foot strip shall forever remain in its natural state and shall never be used to gain access directly to Bluff Road from any of the lots in the Map. The Owner, its successors and assigns, retain the right at a later date to dedicate the 10 foot reserved strip to the municipal authority or authorities.”

The applicant states that his reason for requesting the modification is for ease of access and safety. The current access from Seabreeze Lane involves a steep incline with twenty seven steps interspersed between three platforms. Access from Bluff Road involves only a few steps and a small decline in elevation. The applicant also states that the inability to access Bluff Road inhibits emergency vehicles from gaining quick and safe access to the residence. The applicant states that the change of circumstances in this matter is that when this restriction was made a condition of approval of the subdivision, the question of safe and compliant access for emergency vehicles to this parcel was not contemplated.



Access from Bluff Road as shown from residence



Access from Bluff Road as shown from Bluff Road.



Access from south side of structure to Seabreeze Lane





Access from south side of structure to Seabreeze Lane

The Planning Department understands how the applicant would prefer to take access from Bluff Road rather than Seabreeze because the access is significantly more direct and contains a much shallower incline. We do not agree that emergency vehicles would not be able to access the parcel from Bluff Road without this modification though. Emergency vehicles such as ambulances would still be able to pull over on the side of Bluff Road and walk the approximately 50 feet to the door of the residence with or without the granting of this modification. Additionally, it appears that the Planning Board in 1978 did contemplate safe access to the parcels within the subdivision. Clearly they thought that having multiple points of conflict along Bluff Road were not ideal for safety and traffic flow. This is evident in the notation on the map and language within the covenants and restrictions mentioned above.

It is possible however; that when this subdivision was designed the challenges with the topography on the subject parcel for pedestrian access to a potential residence were not contemplated. Due to a large slope on the south side of the lot it appears that access could not have been designed in any other way while still locating the residence on the northern and flat portion of the parcel away from the wetlands. The Planning Department observed the other lots on the north side of Seabreeze Lane that were associated with this subdivision. It does not appear that any of these other lots have the same challenges with topography and access as the subject parcel. The Board is encouraged to visit the subject parcel and the other lots within the subdivision to verify these observations.

When considering the modification request the Planning Board should keep in mind that it was the clear intent of the 1978 Planning Board to prohibit access to Bluff Road from the parcels within the subdivision. Should the Board consider granting the modification request it is important to distinguish what is unique about this application so that an undesirable precedent is not set. It is highly recommended that if the approval is considered, the Board think about the potential that all parcels on the north side of the subdivision may appear before the Board requesting the same modification for their particular lots. Obviously ten (10) lots with access directly to Bluff Road is not desirable.



North side of Bluff Road looking west.

Should the Board agree to grant the modification, approval of the Gansett Dunes Property Owners Association will be needed in order to modify the Reserved Area.

TP

Planning Board Consensus

Does the Board wish to grant the requested modification?

Additional comments: _____

Additional Board Comments:

