



TOWN OF EAST HAMPTON

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

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

March 3, 2010

TO: Planning Board

FROM: Eric Schantz
Planner

RE: Guerrero Subwaiver
SCTM# 300-147-4-23, 24, 26.1
Application # A0520060207

Last Review Date: November 18, 2009

Items and Date Received: N/A: Public hearing held on January 13, 2010

Background Information: Application has been made to divide three parcels (SCTM# 300-4-23, 24, 26.1) under Urban Renewal Old Filed Map #18, Block A, Lot 7 into two lots; Lot 1 at 20,000 sq ft. and Lot 2 at 25,192 sq ft. where a 20,000 sq ft. minimum is required by zoning (B: Residence).

The site is situated along Accabonac Highway in East Hampton School District within the subdivision map of "Montauk Estates". The neighborhood is generally medium density residential with commercial properties lying along the opposite end of Springs-Fireplace Road, roughly ¼ mile to the west and about ¼ mile to the north along Accabonac Highway. Most of the parcels north of Amagansett Drive are vacant, providing a large area of immediately adjacent open space for both the subject parcel as well as many of those within the subdivision.

The subject parcel consists of three Suffolk County Tax Map lots that (together) are under single ownership. A single-family residence currently exists on the western half of the parcel. This residence is accessed by a stone driveway which is expansive at the side and rear of the residence but narrows and connects to Amagansett Drive near the front. Proposed Lot 1 is un-improved and partially cleared. A 50' wide scenic easement, totaling 5,977 sq ft., is proposed along the eastern edge of Lot 1 along the border of Accabonac Highway. A 5' road widening easement runs the length of the site, and through both proposed lots, along Amagansett Drive East.

The site lies within the Suffolk County designated Pine Barrens and within the South Fork Special Groundwater Protection Area. The site is mostly cleared with mixed deciduous woodlands to the sides and rear. The terrain is flat to gently rolling.

Issues for Discussion:

Public Hearing

A public hearing was held on January 13, 2010. No members of the public spoke at this hearing. No written letters have been submitted to the file to date.

East Hampton Fire Department

By letter dated October 2, 2009, the East Hampton Fire Department stated that no additional fire protection devices will be required.

Suffolk County Planning Commission

By letter dated February 23, 2010 the Suffolk County Planning Commission found this project to be a matter for local determination. They also offered the comment that... "Clearing should be in accordance with the Suffolk County Planning Commission's Pine Barrens Clearance Standards." These standards set guidelines for maximum clearing restrictions for lots (based upon minimum lot size under zoning) within the Suffolk County Pine Barrens. Under these standards; both proposed Lot 1 and 2 would have a maximum allowable clearing of 60%. Under the Town's residential clearing restrictions (10,000 sq ft. + 25% of lot area), proposed Lot 1 has an allowable clearing of 75% and proposed Lot 2 has an allowable clearing of ~65%. This means that the Town's allowable clearing is less restrictive than what is being recommended by the County Planning Commission. If these lots were within the Town's Water Recharge Overlay District (WROD), allowable clearing would work out to 50% for proposed Lot 1 and ~40% for proposed Lot 2. Both of these figures are more restrictive than the County guideline.

Both the Town's WROD and the County's designation of Pine Barrens seek to achieve the same goal of preserving areas which are important to groundwater recharge and preventing their contamination. One of the ways in which this goal is achieved is by limiting the clearing of areas of natural vegetation which do not require fertilizers or other chemicals to be maintained, such as lawns do, and thus help to facilitate clean rain water recharge of the aquifer. The Town has taken great care to identify the location of the underground aquifer and in turn map the areas of the Town that are most critical to protecting groundwater and has placed the WROD designation on such properties. The subject parcel does not fall within such a designated area and, although within the Pine Barrens, is roughly ½ mile from the nearest boundary of the Town's WROD.

In previous years, the County had established the boundaries of the Pine Barrens within East Hampton and had solely imposed clearing restrictions on many of the properties therein. No clearing restrictions existed for all remaining lots in the Town until 2004, when local law 801 was adopted by the Town Board. Through the combination of enacting significant Town-wide clearing restrictions and enacting restrictions which are

even greater than the County's within key, more vulnerable areas (WROD); a comprehensive approach to protecting groundwater has been taken. As a result, the Town's policy results in a greater net reduction of clearing in the whole of East Hampton Town, while also it also imposes clearing restrictions greater than that of the County model in areas most vital to protecting the aquifer.

The Planning Department does not think that the Town's clearing restrictions of §255-2-60 allow for excessive clearing of the property, does not anticipate a significant potential for groundwater contamination as a result of granting minor subdivision approval and does not think that it is necessary for the County Guidelines to be enforced on this parcel.

However, the Board should decide whether or not it agrees and whether or not the Suffolk County Planning Commission's comments should be made conditions of Planning Board approval. It is noted that since the application was deemed a matter for local determination, a formal overriding of the Commission's comments by the Planning Board is not necessary. However, should the Board wish to restrict both parcels to 60% clearing, covenants and restrictions would need to be included in the approval, as such a percentage is not otherwise enforceable

Town Engineer

By letter dated May 30, 2008, the Town Engineer found the engineering elements to be satisfactory.

The applicants are reminded that an application to modify the Urban Renewal Map will need to be made and they may wish to contact the Town Engineer in regard to this issue.

Conclusion

In conclusion, provided the Board agrees, then the application is ready for approval.

Items to be Approved

- Minor Subdivision Map of Guerrero, prepared by George Walbridge Surveyors, P.C., dated last revised August 13, 2009

Conditions of Approval

- SCDHS approval
- Re-vegetation of both lots into conformance with the Town's clearing restrictions (§255-2-60). Proposed Lot 1 currently meets the requirement. Proposed Lot 2 will be required to have 8,894 sq ft. of it's lot area not be "cleared" (as defined in §255-1-20 CLEARING) and re-vegetation, where required, should include Oaks (*Quercus*) planted roughly 10' apart (on center) as well as Lowbush Blueberry (*Vaccinium angustifolium*) planted roughly 3' apart (on center) as ground cover
- Filing of a scenic easement over proposed Lot 1
- (*Note) Road Widening Easement already on file in Assessor's Office

ES

Planning Board Consensus

Is the application ready for conditional approval?

Additional comments: _____

Additional Board Comments:
