



TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

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December 9, 2008

To: Planning Board

From: Maureen Ryan
Planning Aide

Re: James Smith – Subwaiver
SCTM #300-94-5-10.1 & 15.4

Last Review Date: December 12, 2007

Items and Date Received: Map by Hands On Surveying, dated revised November 18, 2008, received December 1, 2008.

Background Information: Application was made to subdivide this Urban Renewal parcel #11, Map #121, Sheet No. SP-6, into two lots in January, 2005. After the owner abandoned portions of Trovato Avenue and Montgomery Avenue (July 29, 2004), the proposed lots 1 and 2 increased in size to 20,995 s.f. and 21,580 s.f. This vacant parcel is located in a B-residence district in Springs, with access from Harbor View Drive. The parcel is flat to gently sloping with mixed oaks, pitch pines and lowbush blueberry. The Planning Board has recommended that a 24" dbh pine tree in the Montgomery Avenue right of way be saved.

At the March 14, 2007 review, the Board asked that the map be corrected to read James T. Smith Minor Subdivision; the Board requested a letter from Mr. Kostura, the neighbor on Trovato Avenue, acknowledging the plans to remove the part of the Kostura circular driveway that is encroaching into the Smith abandoned area; the Board recommended that a driveway easement be given to SCTM #300-94-5-18.1 on Montgomery Avenue; the Board requested the map be re-certified due to well and septic separation distances of 102' and 104'; the Board requested the plan be stamped by a licensed engineer. Also, the Board requested comments from the fire department on the ability for emergency vehicles to turn around on Trovato Avenue.

At the last review on December 12, 2007, the Board requested that a letter be submitted from the Suffolk County Department of Health Services stating the lots were in existence prior to 1981 and do not need subdivision approval from the health department and that the lots meet the 100' separation distance between the wells and septic systems (which would mean they had to have existed prior to 1988); the notation of the word abandonment on the map over those areas that have been abandoned; and the lot numbers on the map should be changed to 10.1 and 15.4 due to past abandonments; the Board agreed with the Springs Fire Department that a fire well should be installed on Harbor View Drive; the Board preferred the three-point turn over the Type A cul-de-sac at the end of Trovato Avenue for emergency vehicle access and asked for confirmation from the fire department; the Board requested additional evergreens be placed on the west side of the three-point turn as a buffer and requested the two large maples be saved and depicted on the map; the Board agreed Montgomery and Trovato Avenues will be paved in oil and stone; and, that a public hearing will be held for this application.

Issues for discussion:

Map revisions.

The map has been revised to properly note the abandoned areas. The map still has to be revised to update the tax map numbers which have changed due to past abandonments to 10.1 and 15.4. The two large (12" and 16" dbh) maples have been depicted on the map.



End of Trovato Avenue

A notation "Proposed Line of Evergreen Plantings" has been placed on the west side of the proposed three-point turn area. The applicant should submit a separate landscaping plan (titled, dated and signed) containing the type (common and Latin name) and size of tree, and the spacing layout.

Emergency turn around on Trovato Avenue.

The Town Engineer received a letter from the Springs Fire Department, dated January 22, 2008, indicating their preference for the arced three-point turn (over the Type A cul-de-sac) with a 20' wide right of way having 15' of vertical clearing. (Trovato Avenue is not a Town Road, it is a common driveway.)

According to the Town Code (§220-3.02(F)(1)(b)), the width of a common driveway (up to 500') serving two lots is required to have a minimum right of way of 20', a cleared width of 18' with the improved roadway having a 14' width. The map has been revised to depict a section view of the oil and stone detail on Trovato Avenue meeting the width requirements. The 15' of vertical clearing along Trovato Avenue should be made a condition of approval.

Suffolk County Department of Health Services.

The map has been revised to note SCDHS approval, dated November 13, 2008, with reference numbers R03-08-0119 on proposed lot 1 and R03-08-0120 on proposed lot 2.

The Planning Department understands, from a call to the health department, that prior to 1981 there were three lots recognized (in the area of the subject parcel and the parcel to the south). The Urban Renewal map created two lots, #11 and #12 from the three. The lot to the south became developed as a residential lot. The applicant received SCDHS approval for two septic systems on the subject parcel. However, the applicant is still required to file a subdivision application with the SCDHS. Health department approval of the subdivision application should be made a condition of the Planning Board's approval.

At the last review, a member of the public commented that the southerly portion of the subject parcel had been 10,000 s.f. larger and that the Town called for that portion to merge with the southern lot. The Planning Department reviewed the final Old Filed Map Study, dated May, 1977, for filed map 121 of sheet number SP-6. The 1977 final map depicts Urban Renewal parcel #11 as one UR parcel. The member of the public may have seen a tax map which, for tax purposes, merged part of UR #11 into UR #12 to the south. However, this would not negate the fact that three lots were recognized by the SCDHS, and that sufficient lot area has been acquired to allow the Planning Board to approve the subdivision of the 0.98 acre parcel.

In conclusion, this application appears to be complete pending the submission of a landscape plan depicting the evergreens on the western border of the three-point turn. The conditions of approval are: SCDHS subdivision approval; access easement to



Access easement on Montgomery Avenue

the neighbor at SCTM # 300-94-5-18.1; 15' vertical clearing on Trovato Avenue; the installation (see Town Code §220-3.28 for installation of electric fire wells) of a fire well on Harbor View Drive capable of producing 500 gpm. Applicant will have to obtain Town Board approval of the Old Filed Map Study modification for the subdivision prior to filing the subdivision at the County Clerk's office. The Planning Board should review the enclosed EAF Part II and make a declaration according to SEQRA.

MR

Planning Board Consensus

Does the Board agree the map should be revised to update the tax map numbers to SCTM #300-94-5-10.1 and SCTM #300-94-5-15.4?

Additional comments: _____

Does the Board agree the applicant should submit a landscape plan depicting the evergreen trees on the westerly side of the three-point turn on Trovato Avenue?

Additional comments: _____

Does the Board agree that SCDHS subdivision approval, the 15' vertical clearing along Trovato Avenue, the access easement to the neighbor on Montgomery Avenue and the installation of the fire well can be made conditions of approval?

Additional comments: _____

Does the Board agree the application is complete pending the submission of a landscape plan? Is the Board ready to make a SEQRA declaration?

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:	James Smith - Subwaiver	<input type="checkbox"/> SITE PLAN
STREET:	Trovato Avenue and 9 Montgomery Avenue	<input checked="" type="checkbox"/> SUBDIVISION WAIVER
SCHOOL DISTRICT:	Springs	<input type="checkbox"/> SUBDIVISION
ZONING DISTRICT:	B-residence	<input type="checkbox"/> SPECIAL PERMIT
SUFFOLK COUNTY TAX MAP:	300-94-5-10.1 & 15.4	<input type="checkbox"/> ZONE CHANGE
		<input type="checkbox"/> VARIANCE
		<input type="checkbox"/> NATURAL RESOURCES SPECIAL PERMIT
		<input type="checkbox"/> OTHER

APPLICANT: James Smith

ADDRESS: 5218 SE Division Street
Portland, Or. 97206

TELEPHONE: 917-506-0567

COMMENTS:

Application was made to subdivide this 0.98 acre (including the abandoned areas) Urban Renewal parcel #11, Map #121, Sheet No. SP-6, into two lots in January, 2005. After the owner abandoned portions of Trovato Avenue and Montgomery Avenue (July 29, 2004), the proposed lots 1 and 2 increased in size to 20,995 s.f. and 21,580 s.f. This vacant parcel is located in a B-residence district in Springs, with access from Trovato and Montgomery Avenues off Harbor View Drive. The parcel is flat to gently sloping with mixed oaks, pitch pines and lowbush blueberry. The Planning Board has recommended that a 24" dbh pine tree in the Montgomery Avenue right of way and two maples (12" and 14" dbh) west of the Trovato Avenue turn-around area be saved.

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 potential construction of two additional single-family residences, accessory structures and sanitary systems may have a moderate impact on the physical characteristics of the site. Removal of existing vegetation and a small amount of grading and/or filling must occur to construct two single family residences, sanitary systems and accessory structures. These lots are subject to the clearing restriction as set forth in Section 255-2-60 of the Town Code. The maximum clearing permitted on the lots will be 15,746 s.f. on proposed lot 1 and 16,185 s.f. on proposed lot 2.

2. Will there be a significant adverse Impact to any unique or unusual landforms on the site?

Yes

No

The site is generally flat and wooded and does not appear to have any unique or unusual landforms.

POSSIBLE IMPACT ON WATER

3. Will there be a significant adverse impact to any water body designated as protected?

Yes No

The property does not contain any water body designated as protected or non-protected.

4. Will there be a significant adverse impact to any non-protected existing or new body of water?

Yes No

See response to #3.

5. Will there be a significant adverse impact to surface or groundwater quality?

Yes No

The development of these lots, the private wells and associated septic systems are not expected to have a significant adverse impact on surface or groundwater quality.

6. Will there be a significant adverse impact as a result of altered drainage flow patterns or surface water runoff?

Yes No

The proposed project is not likely to generate any significant amount of stormwater runoff or drainage flow patterns. All stormwater is to be recharged on each respective site.

POSSIBLE IMPACT ON AIR QUALITY

7. Will there be a significant adverse impact to air quality?

Yes No

The proposed project is not likely to generate any emissions which exceed federal and state air quality standards.

POSSIBLE IMPACT ON PLANTS/ANIMALS

8. Will there be a significant adverse impact to any threatened or endangered species?

Yes No

No threatened or endangered species have been identified on the site.

9. Will there be a significant adverse impact to non-threatened or non-endangered species?

Yes No

Clearing and grading is likely to occur as a result of constructing a residence and accessory structures on the two proposed sites and may have a small to moderate impact on the existing vegetation. However, the Town clearing restrictions will ensure that native vegetation remains as habitat for tolerant species.

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 on the property.

POSSIBLE IMPACT ON AESTHETIC RESOURCES

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

Yes No

This proposed two lot subdivision will not impact the existing aesthetic characteristics of the neighborhood. The two lots will be consistent with the sizes of the surrounding lots in this B-residential area.

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 sites or structures have been identified on the site or contiguous to the subject property.

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

The subject property, located in an Urban Renewal Map, is in a developed residential area. The location does not have the potential for future open space or recreational activities.

POSSIBLE IMPACT ON TRANSPORTATION

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

Yes No

The traffic from two additional residences is not anticipated to have any measurable impact on the surrounding streets. Lot 1 will take access from Trovato Avenue and lot 2 from Montgomery Avenue. These roads are not heavily traveled and no significant impact from the two driveways is anticipated.

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 addition of two residences will not have an adverse impact on the community's sources of fuel or energy.

POSSIBLE IMPACT ON NOISE

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

Yes No

No objectional odors, glare, vibrations or noise is anticipated as a result of this project.

POSSIBLE IMPACT ON HEALTH AND HAZARDS

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

Yes No

No impacts to public health and safety are anticipated. The proposed two lots meet the Suffolk County Department of Health Services requirement of a minimum of 100' separation between wells and septic systems.

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 subdivision of the parcel into two lots is consistent with the character of the surrounding neighborhood

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

Yes No

A public hearing will be heard on this minor subdivision. No controversy related to environmental impacts is expected.

CONCLUSION: No significant environmental impacts have been identified and a negative declaration pursuant to SEQRA and Chapter 128 of the Town Code is recommended.

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)

Date