



TOWN OF EAST HAMPTON
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MEMORANDUM

TO: Planning Board

FROM: Kathryn N. Santiago, Assistant Town Attorney 

DATE: January 19, 2010

RE: Laupot Subwaiver Modification
SCTM # 300-77-6-8.1 & 8.2

The Planning Board has requested that I advise with respect to the ability of the Planning Board to modify an access easement that involves a common driveway.

Upon review of the matter, I have found that the Planning Board may not unilaterally modify the access easement when it affects the property rights of the adjoining land owner without the express consent of said landowner.

As a result, the applicant's application for the modification **must** be heard by the Planning Board, but the Board **may not** grant the access easement modification unless the adjoining landowner /fellow access easement holder consents.