



# TOWN OF EAST HAMPTON

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Planning Department  
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July 15, 2009

**TO:** Planning Board

**FROM:** Eric Schantz  
Planner

**RE:** Marmorowski Subwaiver  
SCTM# 300-67-1-7  
Application # A0520060123

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**Last Review Date:** June 3, 2008

**Items and Date Received:** 7/01/09 Applicant letter, re: all wood & debris have been removed from site

**Background Information:** The parcel is located in Montauk in an A-Residence zoning district and Flood Zone X. Application has been submitted for subdivision waiver approval to divide the 133,759 square foot parcel into two lots. The most common vegetation is mixed oak forest and the property slopes down to a centrally located freshwater wetland with standing water. Lot 1 contains the remnants of two golf storage buildings and is 47,689.92 square feet, excluding wetlands. The applicant is proposing to extend Tyler Road to access Lot 1. Lot 2, accessed from Hoover's Court, contains the applicant's residence and is 86,069.89 square feet.

### **Issues for Discussion:**

#### **Removal of Building Remains**

At the last work session, the Board determined that the concrete foundation of the pump-house could remain in place but that the wood frame and other assorted debris should be removed from the site. The applicants have submitted a letter (dated July 1, 2009) which verifies that this has been done. The Planning Department has inspected the site and notes that some metal debris still remains. However, this debris is within the foundation and does not present a hazard to anyone at grade level. The Board should discuss whether or not this is acceptable or if this item should be removed too. The Planning Department does not see this as presenting a hazardous condition, however, should the Board require the removal of this equipment, the Planning Department recommends that this be made a condition of approval.



Remains of the pump house (7/14/09)

### Red-Tailed Hawk Nest

The Planning Department was unable to locate an active Red Tailed Hawk (*Buteo jamaicensis*) nest, but did locate two nests on the property which may be used as such. Both of these nests are on the periphery of the building envelope on proposed Lot 1. One is located in the southwestern corner of proposed Lot 1 and the other immediately adjacent to the pump house concrete remains. The Planning Department notes that the Red Tailed Hawk is the most common US raptor and is tolerant of a wide range of habitat types. The pair on this site has chosen a location in woodland adjoining a large residential area. Development of the proposed lot will not significantly alter the habitat and is not expected to adversely impact the species. The Planning Department does not foresee a significant adverse impact to wildlife of any kind as a result of this project.



Parcel location near woodlands and residences

**SEQRA**

Provided that the Board finds the aforementioned issues addressed, then the application is complete and ready to be scheduled for a public hearing. The Planning Department has prepared the attached EAF Part II. It is recommended that the Board make a negative declaration.

ES

**Planning Board Consensus**

*Is the application complete and ready to be scheduled for a public hearing?*

Additional comments: \_\_\_\_\_  
\_\_\_\_\_

*Negative 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: Marmorowski Subwaiver**

**STREET: 42 Edison Drive**

**SCHOOL DISTRICT: Montauk**

**ZONING DISTRICT: A: Residence**

**SUFFOLK COUNTY TAX MAP: 300-67-1-7**

- SITE PLAN**
- SUBDIVISION WAIVER**
- SUBDIVISION**
- SPECIAL PERMIT**
- ZONE CHANGE**
- VARIANCE**
- NATURAL RESOURCES SPECIAL PERMIT**
- OTHER**

**APPLICANT: Mary & Michael Marmorowski  
c/o Land Marks**

**ADDRESS: P.O. Box 5076  
East Hampton N.Y. 11937**

**TELEPHONE: (631) 324-8716**

**COMMENTS:**

This application is classified as an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code.

The parcel is located in Montauk in an A-Residence zoning district (40,000 sq ft. minimum lot size). It is within FEMA Flood Zone X. Application has been submitted for subdivision waiver approval to divide the 133,759 square foot parcel into two lots. Lot 1 is proposed to be 47,689 square feet, excluding wetlands. The applicant is proposing to extend Tyler Road to access Lot 1. Lot 2, accessed from Hoover's Court, contains the applicant's existing residence and is proposed to be 86,069 square feet. The most common vegetation is mixed oak forest and the property slopes down to a centrally located freshwater wetland with standing water.

**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 project will result in the addition of one building lot. A building envelope has been proposed which is outside of all required yard setbacks as well as all required natural resources setbacks. However, a Natural Resources Special Permit will still be required for any new home which is subsequently proposed as portions of the building envelope will be within 150' of freshwater wetlands. As is discussed in further detail in the answers to Questions #2 and #4, scenic easements have been established over all areas of steep slopes and freshwater wetlands, protecting them from inappropriate development or disturbance. Although a new lot of roughly 1 acre will be created, the majority of this lot will be free from development as the available building envelope is quite constrained. Therefore, new development will be restricted to a relatively small portion of this proposed new lot.

As is discussed in answers to various other questions below, the site contains a number of significant

constraints which have limited the size and location of the building envelope for proposed Lot 1. Mitigation measures have been required in order to ensure that the physical changes to the site as a result of the project do not cause significant adverse impacts. These measures include; the design of the building envelope for proposed Lot 1, the required improvements to Tyler Road, the determination of the Suffolk County Department of Health Services Board of Review regarding the sanitary system, the establishment of scenic easements, and the filing of a large lot easement to prevent further subdivision of proposed Lot 2.

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

Yes

No

No significant adverse impacts are anticipated. The parcel contains substantial areas of steep slopes, primarily along the northern property line and just south of the central freshwater wetland. As per past practice of the East Hampton Planning Board, all areas on this parcel which contain slopes of greater than 20% have been restricted from development. The subject application has placed all such areas within one of two separate scenic easements.

The entirety of the land in the vicinity of the northern property line contains slopes of greater than 20%. The applicants propose to place the entirety of such slopes in this area within a scenic easement. This easement will be irregular in shape and will be partially within proposed Lot 1 as well as partially within proposed Lot 2.

An additional scenic easement will be required which will cover all areas within a 50' radius of the central freshwater wetland. This will also cover an area of existing slopes of greater than 20% which is situated just south of the wetland. This easement will also be partially over each proposed lot.

In addition to the areas of greater than 20% slopes, there is also a substantial amount of land which contains slopes of 15 to 20%. The building envelope on proposed Lot 1 has been designed to exclude the vast majority of such areas, with the exception of only a small area of the northern edge of the envelope. Proposed Lot 2 contains an existing single-family residence which lies upon land which has long since been graded and flattened out to below a 15% slope. The vast majority of 15 to 20% slopes on this property exist to the south of the central wetland and a large area of such slopes has been included within the central scenic easement.

**POSSIBLE IMPACT ON WATER**

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

Yes

No

The subject parcel contains a small, centrally-located freshwater wetland. This wetland is to be protected by a scenic easement of a minimum 50' radius around the perimeter of the wetlands. All existing and proposed development will be greater than 100' from the wetland, as the existing residence is roughly 150' away at its closest point and the building envelope of proposed Lot 1 has been designed with a 100' minimum setback. Additionally, as per Suffolk County Department of Health Services regulations, the leaching pools of the sanitary system on proposed Lot 1 will be situated with a setback of 150' or more from the wetland. Therefore, the design of the lots and the location of both new and existing structures should not have any significant adverse impacts to the central wetland. Additionally, the use of straw bales and/or silt fencing at the time of construction of a single-family residence on proposed Lot 1 should prevent any adverse impacts from storm-water run-off.

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

Yes

No

No non-protected water bodies exist on or within close proximity to this parcel.

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

Yes

No

No significant adverse impacts are anticipated. The minor subdivision will be in compliance with the Suffolk County Department of Health Services (SCDHS) population density regulations. All sanitary systems will be designed in compliance with this department's standards as well.

The existence of a number of significant constraints on this parcel has resulted in a very small envelope available for the siting of a new sanitary system on proposed Lot 1. These constraints include: neighboring water wells, property lines, steep slopes and the centrally-located freshwater wetland. The construction of the sanitary system is further encumbered by the depth to groundwater and soil types, as revealed by the test hole data. As a result, there is essentially only one location on proposed Lot 1 where a leaching pool can be appropriately placed without necessitating multiple variances for its installation.

The leaching pool for the sanitary system on proposed Lot 1 will be situated roughly 5' from the southern property line, whereas 10' is required by the SCDHS. A Board of Review was held by this agency on 12/16/2008 and its findings have been added as notations to the minor subdivision map. Specifically, it will be required that: 1.) the sanitary system on Lot 1 be installed prior to the construction of a residence, 2.) cutting rings shall be utilized to prevent the collapse of the excavated hole needed for the installation of the sanitary system on Lot 1, 3.) a licensed design professional will supervise the installation of the sanitary system on Lot 1, and 4.) the expansion pool on Lot 1 will be installed at the same time as the leaching pool but shall not be connected to the system unless and until the leaching pool should fail.

These measures, as required by the SCDHS, which maintains final jurisdiction over sanitary system location and design, should effectively mitigate any potential adverse impacts associated with the installation of a new sanitary system on proposed Lot 1. Therefore, no significant adverse impacts to groundwater are anticipated.

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

Yes

No

The paving of a section of Tyler Road and the associated new cul-de-sac will require new drainage structures which have been indicated on the map. The Town Engineer has reviewed this design and it has found to be acceptable. Storm water run-off from the building envelope of proposed Lot 1 should run to the east and toward the freshwater wetland. However, due to the significant setback required between the two (100') and the existence of dense woodland vegetation, storm water run-off is not anticipated to directly impact the wetland.

**POSSIBLE IMPACT ON AIR QUALITY**

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

Yes

No

No significant adverse impacts are anticipated.

**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 or within close proximity to the site.

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

Yes

No

During the course of the Planning Board's review, a committee member identified an active Red Tailed Hawk (*Buteo jamaicensis*) nest in the general area of the building envelope on proposed Lot 1. Subsequent inspections by Planning Department staff identified what is most likely this nest, however not in active

use by a hawk. These birds are neither threatened nor endangered and are quite common on Long Island. They are extremely adaptable to changes in environmental conditions. Based upon these facts, coupled with the inactivity of the nest at the time of this assessment, the Planning Board determined that it was not necessary to have the location of this nest marked on the minor subdivision map and/or removed from the building envelope (if necessary).

#### POSSIBLE IMPACT ON AGRICULTURAL LANDS

**10. Will there be a significant adverse impact to agricultural land resources?**

Yes No

No agricultural resources exist on or in close proximity to the site.

#### POSSIBLE IMPACT ON AESTHETIC RESOURCES

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

Yes No

No significant adverse impacts are anticipated. The project will result in allowing for one more single-family residence to be built in this neighborhood, which is consistent with the existing general aesthetic.

The parcel is not situated within a Scenic Area of Statewide Significance, Historic District, or any other such area with special regulations regarding the preservation of unique aesthetic resources.

#### 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 significant adverse impacts are anticipated. A Stage 1A archaeological report, prepared by David J. Bernstein, Ph.D. & Allison J. Manfra, dated prepared November 2007, was submitted to the East Hampton Planning Board. Based upon the professional's recommendations, the Board required that the applicants submit a Stage 1B report as well. The Stage 1B Archaeological Survey, prepared by David J. Bernstein Ph.D. & Allison J. Manfra, dated August 2008, consisted of 40 shovel test pits in the vicinity of the proposed new building envelope. As a result of this survey, no prehistoric or historic artifacts were found and no further testing was recommended.

The parcel contains the remains of two buildings; one was presumably a shed, and the other a pump-out station. All that remains of these two structures are the foundations, and a small amount of wooden debris. Neither structure is habitable or historically important to the community. The Planning Board discussed requiring that both foundations and associated debris be completely removed as they may pose a safety hazard. However, upon further discussion, due to the fact that the proposed lots will not be open to the public, and due to the proximity of both structures to the adjacent wetland and the difficulty that would be encountered with bringing trucks and machinery down to their location, the Board decided to let the two foundations remain in-place. Any plan to remove these foundations would have resulted in unnecessary clearing of existing woodland vegetation, including in areas within 50' of the wetland. The Board did require that the applicants remove the wood debris and old machine equipment, as these posed the greatest potential safety hazard. The concrete foundations will not be required to be removed as a condition of minor subdivision approval.

#### 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

No significant adverse impacts are anticipated. There are no open spaces or recreational

opportunities on the subject parcel or within the immediate area.

#### POSSIBLE IMPACT ON TRANSPORTATION

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

Yes

No

No significant adverse impacts are expected. The application will result in the creation of one additional single-family residential lot, which should not contribute significant additional traffic to existing roadways. The project also includes additional improvements to Tyler Road, which currently dead-ends roughly 100' from the subject parcel's southern property line. Tyler Road will be extended an additional roughly 50' and a Type-B cul-de-sac, which conforms to Town Code required dimensions, will be built. Currently, there is no cul-de-sac, making turning around very difficult for emergency services vehicles. Additional drainage structures will be required as well in the form of two (2) catch basins and one (1) leaching pool. Therefore, the project should result in a slight improvement of existing transportation systems.

#### POSSIBLE IMPACT ON ENERGY

**15. Will there be a significant adverse impact to the community's sources of fuel or energy supply?**

Yes

No

No significant adverse impacts are expected.

#### POSSIBLE IMPACT ON NOISE

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

Yes

No

Aside from the normal disturbances associated with construction of a single-family residence and associated structures, the newly created house lot should not cause any objectionable odors, noise, glare, vibrations, or electrical disturbances.

#### POSSIBLE IMPACT ON HEALTH AND HAZARDS

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

Yes

No

No significant adverse impacts are expected. Both lots will contain single-family residence uses. Proposed Lot 1 will be serviced by public water, eliminating any problems associated with the siting of a new private water well within close proximity to neighboring wells and sanitary systems. The sanitary system for Proposed Lot 1, as mentioned in the response to Question #5, will be required to conform to the Suffolk County Department of Health Services standards and installation will be supervised to ensure this. New leaching pools and septic tanks have been kept outside of the required 150' setback from neighboring water wells.

#### 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

No significant adverse impacts are expected. The sizes of the parcels created from this subdivision are consistent with that of the neighboring community. There will be scenic easements on portions of each lot, reduced building envelopes, and all of the steep slopes (>20%) will remain intact.

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

Yes

No

No significant adverse impacts are expected. The Planning Board will hold a public hearing for this

application where members of the public may speak in support of or in opposition to the project. To date, no written comments have been submitted to the Planning Board file.

**CONCLUSION:**

In conclusion, the Planning Department recommends that a negative declaration be made. It is obvious that there are many constraints impacting the proposed new building lot. However, the project has incorporated effective mitigation measures to ensure that no significant adverse impacts will occur. Perhaps the most difficult aspect of this project is the sanitary system, which due to groundwater and soil conditions, as well as the proximity of neighboring private water wells, has led to the Suffolk County Department of Health Services Board of Review requiring substantial mitigation measures regarding its design and installation. Providing the applicants can comply with these as well as all of the other aforementioned requirements, the adverse environmental impacts of this project should not be significant.

**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