



TOWN OF EAST HAMPTON

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PRE-PRELIMINARY SUBDIVISION INITIAL EVALUATION

Ruth Nivola Section II

SCTM#300-103-2-4.6

App#A0520100003

Prepared by: JoAnne Pahwul, AICP
Assistant Planning Director

Date: January 22, 2010

1. APPLICATION INFORMATION:

- A. INFORMATION RECEIVED:** Pre-Preliminary map prepared by George Walbridge Surveyors and dated January 7, 2010
- B. DATE SUBMITTED:** January 13, 2010
- C. OWNER:** Pietro & Claire Nivola
- D. APPLICANT/AGENT:** George Walbridge Surveyors
- E. SCHOOL DISTRICT:** Springs
- F. STREET NAME:** Old Stone Highway
- G. TYPE OF STREET:** Town
- H. ZONING DISTRICT:** A5-Residence
- I. SEQRA - TYPE OF ACTION:** Unlisted
- J. INVOLVED AGENCIES:** Suffolk County Department of Health Services
- K. OTHER REVIEW:**
- L. WAS PROPERTY PREVIOUSLY SUBDIVIDED:** Yes
- M. IF YES, DATE OF SUBDIVISION:** Ruth Nivola Sec I, 1998

2. DESCRIPTION OF PROJECT

- A. TYPE OF SUBDIVISION PROPOSED:** Open Space
- B. TOTAL ACREAGE:** 28.105 acres
- C. YIELD (NUMBER OF LOTS):** Two lots proposed; one with two units of density
- D. RANGE OF LOT SIZE (SQUARE FEET):** 87,120 & 111,736 sq. ft.
- E. ACRES OF RESERVED AREA:** 22.6 acres
- F. ACRES OF SCENIC EASEMENT:** N/A
- G. PERCENT OF RESERVED AREA:** 65.6%
- H. PERCENT OF TOTAL OPEN SPACE:** 65.67%

- I. TYPE OF ACCESS PROVIDED:** 25' wide access easement
 - J. LENGTH OF ACCESS:** 210''
 - K. IS SIGHT DISTANCE ACCEPTABLE:** To be determined by Town Engineer
 - L. IMPROVEMENTS ON SUBJECT PARCEL:** Two story, frame dwelling, art studio, barn, shed, old foundation
 - M. MOST RECENT CERTIFICATE OF OCCUPANCY:** None
 - N. VARIANCES REQUIRED:** No
- 3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 220 (LIST ITEMS & SECTION NUMBER FOR ITEMS NOT SUBMITTED)**
- 4. SITE ANALYSIS**
- A. SOIL TYPE:** Montauk silt loam (MnA- 0-3% slopes, MnB - 3-8% slopes, and MnC - 8-15% slopes), Wareham loamy sand (We), Deerfield sand (De)
 - B. FLOOD HAZARD ZONE:** Zone X
 - C. DESCRIPTION OF VEGETATION:** Oak woodland, red cedar stands, old field
 - D. RANGE OF ELEVATIONS:** 7.7'-47.6'
 - E. NATURE OF SLOPES:** Rolling to steep
 - F. TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** N/A
 - G. SETBACK FROM ANY WETLAND OR WATER BODY:** N/A
 - H. ARE THERE TRAILS ON SITE?** Yes
 - I. DEPTH TO WATER TABLE:** Approximately 2.7'-42.5'
 - J. DISTANCE TO PUBLIC WATER:** Approximately 1.5 miles
 - K. SOURCE OF WATER SUPPLY:** On-site private well
 - L. NUMBER OF ACCESS POINTS:** One
 - M. METHOD OF WASTE DISPOSAL:** On-site private sanitary system
 - N. DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** Yes. Jonathan Miller house; construction date unknown; rebuilt late 19th century
 - O. AGRICULTURAL DATA STATEMENT REQUIRED:** No
 - P. IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	Yes
Recommended Scenic Area of Statewide Significance	Yes
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

Other Background Information:

Pre-preliminary application is made to subdivide Lot 4 of the Minor Subdivision of Ruth Nivola – Section 1, filed May 21, 1998, into two residential lots and a 22.6 acre reserved area. The 28.105 acre lot is zoned A5-Residence. Lot 1 is to consist of 111,736 square feet, or 2.56 acres, and to contain the existing two story residence, barn, art studio and other shed and to have a two unit density. Lot 2 is proposed to consist of 87,120 square feet, or 2 acres, of vacant, wooded land.

The Ruth Nivola Minor Subdivision created three 84,000 square foot residential lots served by a common driveway and the fourth lot, Lot 4, consisting of 28.1 acres, containing the existing accessory structures, and recognized that this lot would be further subdivided in the future. A declaration of covenants and restrictions filed over Lot 4 also allowed for a two unit density on a future lot containing the Nivola residence and accessory structures.



Historic Jonathan A. Miller House

The *Historic Preservation Report Town of East Hampton Phase One: Reconnaissance Survey* prepared by Robert J. Hefner describes the existing residence as “the Jonathan A. Miller House, a two-story, late-nineteenth-century, side-gable, shingles residence. Home of the sculptor Contantino Nivola who remodeled the interior and installed a sculpture garden. Two interior walls feature a mural painted by Le Corbusier in 1950.” The barn also appears to be an historic structure.

The applicant has simultaneously submitted an application for a lot line modification that will transfer 42,675 square feet along the northerly property line to the adjoining Accabonac Grove Cemetery property.

The property has rolling, knob and kettle topography, with elevations ranging from approximately 8-48' and is wooded with an oak woodland, including White pines, American holly, and low bush blueberry and a Red cedar sucesional forest that includes stands of and Red cedars, Wild black cherry, and catbriar.



Nivola Woods

The parcel is located within the Suffolk County designated Accabonac Harbor Critical Environmental Area, an environmentally sensitive area within the Accabonac Harbor watershed. The *Accabonac Harbor Area Study* recommends that a high priority be given to the protection of habitat diversity and fauna and flora populations.

The property is listed in the Town's Community Preservation Fund Plan with recommendations for an open space subdivision, private conservation, coordination of open space with adjoining land, and provision of a trail corridor. The parcel is also designated as part of the Barnes Hole Scenic Area of Local Significance in the *East Hampton Scenic Resources Protection Plan*, dated April 9, 2003.

The Town of East Hampton has a three year contract with the applicant that calls for the purchase of Lots 2 and 3 of the prior subwaiver in the first two years and purchase of two development rights and the reserved area from Lot 4 in the third year.

Issues for Discussion:

Yield

At the time of previous Ruth Nivola Minor Subdivision the parcel was zoned A2-Residence and determined to have a yield of 14 lots. Subwaiver approval was granted for three residential lots that conformed to zoning and a fourth large lot to be divided in the future into no more than four lots additional lots with a reserved area consisting of a minimum of 17.22 acre. The parcel was subsequently rezoned to A5-Residence, now

requiring a minimum lot size of 200,000 square feet. Although the remaining 28 acre parcel appears to have a density of at least three additional units, the applicant should submit a yield map with the preliminary application, as required by §220-2.08. The yield map should also reflect the applicant's proposal to transfer approximately one acre to the Accabonac Cemetery.

Open Space Subdivision

An open space subdivision is both required by the prior subdivision approval and mandated under current subdivision regulations. §193-2-80 of the Town Code allows for deferment of open space requirements for subwaivers and the prior approval required a reserved area with a minimum of 17.22 acres of reserved area, representing a minimum of 50% of the entire 34.44 acre parcel, at the time of further subdivision of Lot 4. §193-2-60 (Open Space Requirements amended 2007) requires a minimum of 50% of the subject parcel to be open space. The applicant proposes a 22.6 acre reserved area, representing 65.6% of the 34.44 acre parcel that complies with both of these requirements.

The proposed reserved area is contiguous with preserved open space on both the northerly and westerly sides allowing for the creation of a larger block. On the westerly side, the proposed reserved area adjoins a 14.7 acre wooded Town owned parcel of preserved land, representing the reserved area of the Maplehurst Subdivision, and also adjoins the Accabonac Grove Cemetery. The parcel to the north, SCTM#103-2-2.1, a 9.2 acre parcel zoned A5-Residence contains an historic dwelling located along Old Stone Highway and has the potential to be subdivided into two lots with the reserved area at the rear and coordinating with the subject Nivola reserved area.

Subdivision Layout

The design standards listed in 220-1.07 H. of the Town Code call for a scenic easement or reserved area along a public road to serve as a scenic buffer to new development. The proposed configuration of the reserved area provides for this buffer area along Old Stone Highway.

Lot 1, with a two unit density, is designed to include the existing improvements and clearing. Lot 2 is generally located in an area approved by the Planning Board in a concept plan in 1995. The Planning Department recommends that a building envelope, that excludes steep slopes 20% and greater, be provided on the preliminary map.

The access for Lot 1 is proposed over the existing driveway and an access for Lot 2 over an access easement through the reserved area.

The subdivision map shows the location of a number of trails in the southwesterly corner of the property that are part of a larger trail system. These trails will be preserved in the reserved area and public access will be provided as a result of the Town acquisition.

At least two boundary ditches and a number of lopped trees, both historic features utilized to demarcate boundary lines, are located on the parcel. Although one of the

boundary ditches is located within Lot 2, another, as well as a number of lopped trees, will be preserved in the reserved area.



Lopped Tree

Approximately one acre is proposed to be transferred to the Accabonac Grove Cemetery. This area is relatively flat and the Planning Department offers no objections to the transfer as long as a yield of five lots can be achieved after excluding the area of the transfer.

The preliminary subdivision map should depict the sanitary systems and wells associated with the existing development in order to ensure that these structures are contained within the limits of the proposed lot.

Clearing

In order to compensate for increased reserved area requirements, §193-2-65 provides for relaxed clearing restrictions for lots in open space subdivisions based on the amount of open space provided. As the proposed reserved area represents deferred open space from the time of the subdivision of the 34.4 acre parcel and represents 65.6% of the entire parcel, the Planning Department calculates the clearing restrictions as 50% on Lots 1 and 2. The map shows that the existing clearing on Lot 1 is 53,030 square feet, or 47% of lot area. However, the map indicates that the allowed clearing is 94,975 square feet, or 85%. This appears to be computed by basing the percentage of reserved area on the subject 28.1 acre parcel. The Board should consult with Counsel and determine whether clearing calculations of 50% or 85% are correct for Lots 1 and 2.

Title of Plans

All plans submitted for this application, including but not limited to subdivision maps, road and drainage plans, and landscaping plans, must be labeled with the title of the subdivision. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All

correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

Conclusion

The submission of a pre-preliminary application is an optional step in the subdivision process that is designed to give the applicant feedback on the general layout and concept of the proposal before proceeding with a formal application. The subdivision map is designed to preserve a block of open space that is contiguous to adjoining areas of open space, while also protecting trail links and historic features and to configure Lot 1 so as to contain existing the clearing and buildings. The Planning Department finds the subdivision concept to be consistent with the goals and recommendations of the Town’s open space subdivision regulations and the Comprehensive Plan.

Although, it appears that the property has a yield of five, a yield map, as required by §193-1-45, should be submitted to demonstrate this. The permitted clearing calculations should also be corrected if so advised by Counsel and the location of existing sanitary systems and wells should be shown on the preliminary map. A building envelope that excludes slopes that exceed 20% is recommended for Lot 2.

Planning Board Consensus

The Board should review the proposal and advise the applicant if it finds the concept and layout of the subdivision to be acceptable.

Additional comments: _____

The Board should request that a yield map and a revised subdivision map showing the location of the existing sanitary systems and wells should be submitted with the preliminary application and corrected clearing calculations if advised by Counsel.

Additional comments: _____

The Board should consider whether a building envelope should be developed for Lot 2 that excludes slopes 20% and greater.

Additional comments: _____

Additional Board Comments:

JP