



# TOWN OF EAST HAMPTON

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## **SUBDIVISION INITIAL EVALUATION Thorsen, Hobel & Mendel, Subwaiver SCTM #300-172-8-26 & 27 App. #A0520090044**

Prepared by: Maureen Ryan  
Planning Aide

Date: October 5, 2009

### **1. APPLICATION INFORMATION:**

- A. INFORMATION RECEIVED:** Map by Saskas Surveying, dated June 12, 2009
- B. DATE SUBMITTED:** September 15, 2009
- C. OWNER:** Sara Hobel, Scott Mendel, owners of lot #300-172-8-26, and Thomas & Ann Thorsen, owners of lot #300-172-8-27
- D. APPLICANT/AGENT:** Land Marks, LLC
- E. SCHOOL DISTRICT:** Amagansett
- F. STREET NAME:** Meeting House Lane
- G. TYPE OF STREET:** Town
- H. ZONING DISTRICT:** B-Residential
- I. SEQRA - TYPE OF ACTION:** Unlisted
- J. INVOLVED AGENCIES:** Suffolk County Dept of Health Services
- K. OTHER REVIEW:** Town Engineer
- L. WAS PROPERTY PREVIOUSLY SUBDIVIDED:** No
- M. IF YES, DATE OF SUBDIVISION:** NA

### **2. DESCRIPTION OF PROJECT**

- A. TYPE OF SUBDIVISION PROPOSED:** 4 lot subwaiver
- B. TOTAL ACREAGE:** 1.95 acres
- C. YIELD (NUMBER OF LOTS):** four
- D. RANGE OF LOT SIZE (SQUARE FEET):** 20,001 s.f. – 20,079 s.f.
- E. ACRES OF RESERVED AREA:** NA
- F. ACRES OF SCENIC EASEMENT:** NA
- G. PERCENT OF RESERVED AREA:** NA

- H. PERCENT OF TOTAL OPEN SPACE:** NA
- I. TYPE OF ACCESS PROVIDED:** private driveway for the northern lot, plus a common driveway for the southern residence and 2 proposed rear lots
- J. LENGTH OF ACCESS:** common driveway is 246.68'
- K. IS SIGHT DISTANCE ACCEPTABLE:** Yes
- L. IMPROVEMENTS ON SUBJECT PARCEL:** There is a residence on each of the two parcels.
- M. MOST RECENT CERTIFICATE OF OCCUPANCY:** On lot 27 (the northerly Thorsen parcel): C.O.3451, May 1965. On lot 26 (the southerly Hobel parcel): 11/20/02-C.O.19736 – Andrew Gordon & Sara Hobel – 1498 s.f. 1-story frame, 1-family residence having 1 kitchen only, 192 s.f. wood deck & 422 s.f. additional wood deck; with conversion of 391 s.f. existing attached garage to living space, 385 s.f. wood deck & 96 s.f. shed.
- N. VARIANCES REQUIRED:** To be determined.

**3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 220 (LIST ITEMS & SECTION NUMBER FOR ITEMS NOT SUBMITTED)**

**4. SITE ANALYSIS**

- A. SOIL TYPE:** HaA,Haven loam, 0 to 2% slopes on parcel 26; HaB,Haven loam,2% to 6% slopes on parcels 26 and 27
- B. FLOOD HAZARD ZONE:** X
- C. DESCRIPTION OF VEGETATION:** The area in front and back of the two residences is landscaped. The far rear of the two parcels contains dense woods of oak, cedar and lowbush blueberry. A line of very large cedars separates the two parcels.
- D. RANGE OF ELEVATIONS:** 24' to 32'
- E. NATURE OF SLOPES:** NA
- F. TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** NA
- G. SETBACK FROM ANY WETLAND OR WATER BODY:** NA
- H. ARE THERE TRAILS ON SITE?** None have been identified.
- I. DEPTH TO WATER TABLE:** Approximately 19' – 27'
- J. DISTANCE TO PUBLIC WATER:** curbside
- K. SOURCE OF WATER SUPPLY:** public water
- L. NUMBER OF ACCESS POINTS:** two
- M. METHOD OF WASTE DISPOSAL:** septic system
- N. DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified
- O. AGRICULTURAL DATA STATEMENT REQUIRED:** NA
- 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	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

**Other Background Information:**

The applicants propose a subdivision waiver to reconfigure two tax map parcels into four lots. The area of the two parcels totals 1.955 acres (85,161 s.f.). The parcels are located on the western side of Meeting House Lane, north of Bluff Road in Amagansett, in this B-residential zoning district. Public water is proposed for the four lots.

**Issues for Discussion:**

**1. SEQRA.**

Pursuant to SEQRA and Chapter 128 of the Town Code, the proposed project is an Unlisted action. The Planning Department recommends that the Board assume Lead Agency Status.

**2. Fire Department.**

The Planning Board received comments from Chief Bennett of the Amagansett Fire Department, dated September 22, 2009, stating that as long as the common driveway meets code requirements, the nearby public water is sufficient for firefighting purposes, no additional fire control measures are necessary. The Planning Department notes that according to the site plan a fire hydrant is located directly across the street from the parcels.

**3. Parcel 27 Certificate of Occupancy.**

The northerly parcel obtained building permits for a 366 s.f. deck (#17193, dated 8-13-82, passed final inspection 11-4-82); an alteration of a 528 s.f. garage to living space (#17640, dated 1-4-83, passed final inspection 6-13-83) and a 48 s.f. garden shed (#23750, dated 6-29-87). The applicant should apply to the Building Department for a certificate of occupancy encompassing these building permits.

**4. Parcel 26 Pond.**

On lots containing 40,000 s.f. or more, the required sideyard setback for accessory structures is 20'. According to the site plan, the pond on the existing southerly parcel is located 12' from the southerly side yard and not in compliance with §255-11-10 of the Town Code.



According to the site plan, the pond on proposed lot 4 would be located 12' from the southerly sideyard property line and 18' from the westerly rear lot line to be shared with proposed lot 3. The pond appears to be artificially lined and is not considered a wetland according to the definition for wetlands in §255-1-20 of the Town Code. Once subdivided, the pond will be in compliance on the smaller lot where the sideyard setback requirement is 10'.

#### **5. Lot Area.**

The four proposed lots meet the required minimum 20,000 s.f. lot area.

According to Town Code §255-11-10, lots in the B-residential zoning district are required to have a minimum of 20,000 s.f. of lot area. The definition of lot area in the Town Code (§255-1-20) excludes the area of the common driveway access. The northerly parcel contains 42,354 s.f. and is proposed to be divided into lots 1 (front) and 2 (rear) containing 20,001 s.f. and 20,079 s.f., respectively. The southerly parcel contains 42,807 s.f. and is proposed to be divided into lots 3 (rear) and 4 (front) containing 20,076 s.f. and 20,001 s.f., respectively.

Section §255-11-10 of the Town Code also requires that lots in the B-residential zoning district formed after December 18, 1984 contain a width of 110'. According to the map, neither one of the proposed lots meets the 110' width requirement at the building line. It appears that lots 2 and 3 will need area variances regarding width from the Zoning Board of Appeals prior to the approval of this subdivision by the Planning Board. However, further consultation with the Town Attorney and the Chief Building Inspector will be needed to verify this.

#### **6. Clearing.**

According to Town Code §255-2-60, lots 20,000 s.f. to 280,000 s.f. are permitted to clear 10,000 s.f. plus lot area x 25%. The two existing parcels are permitted to clear just less than half the vegetation on each lot.

Using the clearing calculation on the existing parcels indicates that the southerly parcel 26 (42,807 s.f.) is permitted to clear 20,702 s.f.; the northerly parcel 27 (42,354 s.f.) is permitted to clear 20,588 s.f.

Using the clearing calculation on each of the proposed lots indicates the lots are permitted to clear approximately 15,000 s.f. (i.e., lot 1: 15,000 s.f.; lot 2: 15,020 s.f.; lot 3: 15,019 s.f.; and lot 4: 15,000 s.f.). Therefore, approximately 5,000 s.f., or one-quarter, of each of the proposed lots (2 and 3) is to remain vegetated.

At the applicant's request, the Planning Department's Lisa D'Andrea inspected the site and determined that both parcels had been 100% cleared prior to the Vegetation Protection Ordinance passed in June, 2004 rendering the site pre-existing as the clearing regulations.

### **8. Common Driveway.**

The site plan by David Saskas depicts the common driveway easement serving the two proposed rear lots as having a width of 20'. This driveway width is in accordance with §220-3.02(F)(1)(b) of the Town Code, which states that in a subdivision of land common driveways (up to 500') serving two lots shall have a 20' right-of-way, 18' cleared width and 14' improved roadway width. A detail indicating these specifications needs to be included on the map.

Lot 4 contains of the existing residences and is presently served by a private driveway. On page 2 of the application, the project description states that the southerly lot 4 will also take access from the common driveway. In that case, the required dimensions of the common driveway would remain the same. And, since the driveway on the southern lot is in near proximity to the proposed common driveway, it appears more practical for the three residences to utilize one driveway, with the number of access points remaining at two for the four proposed lots off Meeting House Lane. If this is the applicant's intent, then the site plan should be revised to note the removal of the existing driveway on the southerly parcel.

It appears the line of very tall cedar trees pictured below on the Hobel/Mendel property will have to be removed to install the driveway. A utility pole, pictured below, will also have to be re-located as it is within the proposed common driveway's 20' wide right-of-way off Meeting House Lane. This pole should be depicted on the map with a notation that it will be relocated.



Tall cedars in proposed driveway.



Utility pole in proposed driveway.



Northerly side of house on #26.



Southerly side of house on #27.

**9. Coverage.**

The building and total coverage on the existing parcels and the proposed lots appears to be well below the maximum permitted.

The building coverage on proposed lot 1 is 7.72%, where 20% is permitted and the total coverage is 18.99%, where 50% is permitted. The building and total coverage on proposed lots 2 and 3 is zero, where 20% and 50% is permitted. The building coverage on proposed lot 4 is 9.73%, where 20% is permitted and the total coverage is 20.93%, where 50% is permitted.

**10. 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.

MR

**Planning Board Consensus**

Does the Board want to assume Lead Agency status?

Additional comments: \_\_\_\_\_  
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Does the Board agree parcel 27 should obtain a certificate of occupancy on the outstanding building permits as a condition of this subwaiver approval?

Additional comments: \_\_\_\_\_  
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Does the Board agree that variances regarding width are needed to be obtained from the Zoning Board of Appeals?

Additional comments: \_\_\_\_\_  
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Does the Board agree that a detail of the common driveway easement should be placed on the map? Should the map be revised to remove the parcel 26 driveway and indicate the three proposed lots are to utilize the common driveway? Should the map note the location of the utility pole and that it is to be relocated?

Additional comments: \_\_\_\_\_  
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**Additional Board Comments:**

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