



# TOWN OF EAST HAMPTON

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TO: Town Board  
Zoning Board of Appeals  
Planning Board

FROM: Marguerite Wolffsohn  
Planning Director

RE: 2005 Year End Report

The following is a summary of Planning Department work during the 2005 calendar year.

## **Applications**

Planning Board The Planning Department and Planning Board reviewed a total of 285 submissions to the Planning Board during the past year. The majority of these submissions required Planning Department analysis in the form of a memo and a Planning Board work session discussion. The Planning Department also prepared all of the SEQRA documents for these projects.

The Board decided on a total of 41 applications, including 20 site plans, 10 subwaivers, 6 preliminary subdivisions, 3 final subdivisions and 2 lot line modifications (see attached chart). Included in the site plan approvals are the Town Board's 26 unit affordable apartment complex on Springs Fireplace Road, an affordable house at the American Legion in Amagansett and an affordable apartment unit over a store in downtown Montauk, for a total of 28 affordable apartments.

A total of 113.24 acres of land was divided into a total of 39 residential lots while protecting 13.5 acres of reserved area and 35.26 acres of

agricultural reserved area for a total of 43.14% of the total acreage permanently protected through the subdivision process.

Zoning Board of Appeals The Zoning Board of Appeals approved 130 applications, 71 extensions of time, 4 Variances without hearings and 20 modifications during 2005. The Planning Department reviewed all of these applications for completeness for the ZBA in addition to evaluating the proposed projects and offering comments regarding their compliance with Natural Resources Special Permit Standards where appropriate. The Department completed all SEQRA work where required.

Additionally, 29 Administrative Natural Resources Special Permits were processed entirely by the Planning Department in 2005.

Lot Inspections The Planning Department completed 284 Lot Inspection/Flaggings and 160 Verifications during 2005. During the year, we also made progress in our efforts to streamline this process by identifying those areas of Town where significant environmental changes are not expected and a letter of non-jurisdiction could be valid for up to 10 years.

Urban Renewal (Town Engineer for Planning Board) There were 69 Urban Renewal road assignments written in 2005 along with six 280-A road assignments. Eleven Urban Renewal Map Modifications were also processed.

### **Non-Application Work**

Comprehensive Plan Between January 1, 2005 and May 6, 2005, when the final version of the Town's Comprehensive Plan was adopted, the Planning Department worked closely with Lisa Liquori in her review and analysis of the public comments received for the draft plan. This included further research and analysis regarding potential build out numbers as well as research into individual property's histories, uses, features and classification.

The Department updated the tables in the Community Preservation Fund Plan to reflect acquisitions that had occurred since 2003 and prepared the executive summary for inclusion in the Comprehensive Plan. We also prepared the SEQRA documents for the adoption of the new Residence A10 Use District and the Limited Business Overlay Designation on North Main Street.

Local Laws Adopted in 2005 The Planning Department prepared the SEQRA documents for local laws concerning the following in 2005:

- Expansion of the definition of “common ownership”
- Construction of Accessory Structures on Contiguous Conforming Residential Lots Held in Common Ownership
- Certificate of Occupancy legislation
- First version of the Ice Rink Legislation
- Merger of adjoining lots held in the same ownership
- Mobile home communities
- Designation of the “office” use as one use
- Creation of the Recreational Overlay District
- Review of applications in UR maps by the Zoning Board of Appeals and the Planning Board
- Clarification of when an applicant must obtain site plan approval prior to clearing or grading property
- Further clarification of the vegetation protection ordinance
- Hunting regulations for properties within the town
- Conservation easement for Gardiner’s Island
- Local Waterfront Revitalization Plan Consistency Review Law
- Additions to the register of lands dedicated to the Town Nature Preserve.
- Acquisition of Amsterdam Beach by Town of East Hampton, New York State & Suffolk County
- Mulford Avenue and Barnes Avenue acquisitions for affordable housing
- Amendments to the Community Preservation Fund list
- Lease of under water land to Diamond Cove Marina
- Lot coverage and setback regulations based on lot area  
The Department provided additional analysis and support work to the Town Board for the new residential lot coverage and lot setback regulations for parcels based on lot area. We prepared an in depth analysis of all the properties throughout the Town and determined the impacts of several variations of the proposed legislation. Time was spent reviewing similar codes from other municipalities and reviewing the proposal with the Town’s Chief Building Inspector and Zoning Board Chairman. The Planning Department was present at each of the public hearings and Town Board work sessions.
- Parking requirements for horse farms  
The Planning Department worked with the Town Attorneys, the Planning Board and the Town Board to develop a parking requirement for horse farms and riding academies.

- Apartments in commercial structures  
The Planning Department worked with a special committee designed to brainstorm improving the existing regulations within the Town Code. After several months of weekly meetings, the Planning Department and the Town Attorney's office worked together to draft the code amendments which are now in place.
- Tiered ice rink law  
The Planning Department worked with the Town Attorneys and the Town Board to develop a two-tiered permit system for the conversion of a playing court to an ice rink that will allow a simple conversion by building permit, while requiring Planning Board approval for a complicated conversion.

Local Laws under discussion The following projects were initiated in 2005 and have continued into the current year:

- Apartments in residences  
The Planning Department has been working with the Town Board, Town Attorney's office and various other parties to brainstorm draft legislation for this subject. The Planning Department attended weekly meetings for several months on this subject and has been working closely with the Town Attorney's office to draft legislation.
- Limited Business Overlay District  
The Planning Department has been working with the Town Board and the Town Attorney to create new regulations governing the Town's Limited Business Overlay District that will insure the residential character of those areas while encouraging their development for types of commercial uses that are much needed in the Town.
- Smart Lighting Ordinance  
The Planning Department has worked on this subject continually for the past year. Initially the Planning Department conducted extensive research to independently educate ourselves on outdoor lighting. The Planning Department then worked with local community activists to create the Planning Board Lighting Guidelines which compliment the Site Plan review process. Upon completion of this phase, the Planning Department worked with the Town Attorney's office to draft legislation so that lighting regulations could be added to the Town Code. After several months of work, the Town Board agreed to hire an outside consultant to assist in this task. Since that time the Planning Department and various other town employees have had several conference calls with the consultant and have continued researching outdoor lighting in order to draft

the legislation. Currently the Planning Department is working with the outside consultant on various technical issues and with the Town Attorney's Office on the new legislation.

- Coastal Erosion Hazard Act  
Planning Department staff conferred with the Town Attorneys office regarding the proposed legislation, forwarded the draft law to the Albany DEC and met with DEC staff from Albany and Stony Brook regarding content of proposed local law.
- Affordable housing credit program  
The Planning Department is working with the Town Attorneys, Lisa Liquori and the Town Board in the preparation of the legislation required for this program. We have provided numerous maps and analyses of property areas, zones and characteristics for the project.
- Seasonal Employee Housing Overlay District  
The Planning Department has had numerous meetings with Town Board members and other town employees to brainstorm draft legislation for this district. As a result of these meetings and independent research conducted by the Planning Department, meetings with the Suffolk County Department of Health Services have also occurred.
- Maximum house size restrictions  
The Planning Department worked with Town Board members, architects, contractors and concerned citizens with the goal of developing guidelines that the Town may wish to follow in order to implement a maximum residence size within the Town.
- Wind generators  
The Planning Department has been working with the Town Attorney's Office and has been researching the feasibility of allowing personal wind generators to be constructed on private properties. Time was spent investigating different wind generators available, determining how safe wind generators are and how they may affect the Town's Natural Resources and scenic vistas. It was determined that a 3 tier system would be most appropriate for the Town. The analysis has then focused on the restrictions for each of the tiers. The Planning Department has spent a good portion of time reviewing wind generator codes from other municipalities the cost of the systems and how much energy they create.

## Studies and Plans

- **Scenic Resources Study**  
The Planning Department completed the report and paperwork required by the Department of State so that the Town could be reimbursed by the Scenic Resources Inventory and Analysis Grant.
- **Wainscott Hamlet Study**  
The Planning Department has begun the study. We have met with the Wainscott CAC and the East Hampton Business Alliance. We will meet with the Wainscott business community and discuss the project with the Town Board. Base maps depicting the study area boundaries have been prepared.
- **Downtown Montauk Study**  
The Planning Department has begun the study. We have prepared an outline and some of the field work and data collection has been completed. Also base maps and aerial maps have been prepared for the study.
- **Commercial Needs Study**  
The Planning Department has begun discussions with Lisa Liquori regarding the scope of the study and the preparation of a request for proposals.
- **North Main Street Beautification Plan**  
The Planning Department participated on behalf of the Town on the North Main Street Beautification Committee and helped to develop plans for streetscape improvements.
- **Plan for Springs Nursery Park**  
The Planning Department is coordinating with the Natural Resources Department, Town Engineer and Town Board to identify issues associated with multiple use of the property and to design a parking lot, jogging trail/dog walk and horse access.
- **Springs Water Main Extension**  
The Planning Department prepared the request for proposals for a consultant to complete a SEQRA analysis for this project.

- Suffolk County Department of Health Services Comprehensive Water Resources Management Plan  
The Planning Department met with representatives of the County Health Department regarding the Town's participation in the study, data that the Town can provide and information that the County will make available to the Town.
- Senior Needs Study  
The Planning Department was a member of the Committee to conduct a study of current and anticipated health, housing and transportation needs of seniors in East Hampton. A telephone survey of 250 homes was conducted by the Southampton College Institute for Regional Research.
- Small Lots Acquisition Analysis  
The Planning Department completed a review for Town Board members of selected Urban Renewal Maps for possible inclusion into the Town's CPF program.
- Historic Landmarks Project  
The Planning Department prepared maps for Robert Hefner, consultant for this project.
- Review of Individual Properties Proposed to the Town Board for Acquisition  
The Planning Department reviewed numerous parcels proposed to the Town Board for acquisition for each property's constraints to building, potential impact of development on natural features and compliance with the Town's Open Space Plan. We prepared numerous maps and overlays at different scales for these analyses. The Town Engineer has also inspected a number of houses for potential Town purchase.

### Other Projects

- Montauk Bus Stop  
The Planning Department and the Town Engineer have had several meetings with involved town employees and concerned community members regarding this project. Several memos have been written on this subject and the Department has prepared numerous maps at different scales. The town Engineer contacted the appropriate utility companies regarding pole relocation to accommodate the project.

- Beach Comfort Station  
The Planning Department worked with the consulting engineers on some technical details of this project. The Department also prepared the SEQRA documents for the project.
- Green Hollow Affordable Housing Subdivision  
The Planning Department reviewed and commented on several sets of maps prepared by the consultants and participated in presubmission meetings for this proposal. The Department has also prepared numerous maps for the consultants.
- Springs Fireplace Affordable Apartments  
The Planning Department worked with the consulting engineers in preparing the presubmission application and reviewed and expedited the Planning Board site plan application.
- Commercial Heights Subdivision  
The Planning Department has conducted a subdivision review of this project consisting of several reviews over the last year. A public hearing was held at the January 25, 2006 Planning Board meeting. The Planning Department prepared the SEQRA documentation, rezoning review, and the urban renewal map modifications associated with this project.
- South Fork Bike Path  
The Planning Department worked with the consultant and committee members to develop a route for the path and on design plans for the first two miles. We prepared numerous maps at different scales. The Department is currently working with an appraiser to develop appraisals for acquisitions for the first two miles of this route.
- Springs Youth Center  
The Planning Department has done some analysis and provided recommendations to the Town Board on this project. The Department also prepared the SEQRA documents for the project.
- New Justice Court Building  
The Planning Department with the Town Engineer reviewed the plans for the new justice court building and offered suggestions for safety, lighting and other improvements. The Town Engineer attends bi weekly meetings and follows the progress of the project. Fire protection and lighting (among

others) have been issues that have been addressed as a result of these meetings.

- **Wireless Inventory**

The Planning Department has established and maintains a registry of wireless carriers and pager companies located in East Hampton Town.

The Department has identified all wireless carrier companies with unapproved and unpermitted public wireless service facilities currently located in East Hampton Town, and is in the process of assuring that the necessary review occurs so that the required approvals and permits may be issued.

- **Clearlinx**

After extensive research into the means of eliminating or reducing the reliance on antenna towers to improve wireless communications in East Hampton Town, The Planning Department identified both a means and a company that could utilize existing infrastructure to install a distributed antenna system that can be shared by multiple wireless communication carrier and emergency communications companies to fill in dead spots and reduce the need for additional towers. The Planning Department also coordinated the dissemination of information regarding this possibility to key communication personnel in East Hampton and Southampton Towns, and facilitated negotiations between Clearlinx and necessary Town departments and utilities companies for right-of-way access and use of infrastructure.

- **Wireless Code Research**

The Planning Department has consulted, in person and via the Internet, with the neighboring towns of Southampton and Southold, and with other towns throughout New York State and the nation, concerning East Hampton Town's wireless codes and the procedures we have established to assure wireless carriers' compliance with local zoning codes while still respecting rights reserved to carrier companies by federal law.

- **North/South Trial Link**

The Planning Department has provided technical support to Trail Preservation Society members who are developing the trail in cooperation with the Town Board. We have researched property histories and S.C. Tax Map information for the evaluation of parcel inclusion in the trail link and

have prepared numerous Existing Land Use Maps at different scales.

- **Coast Guard Rescue 21 Tower**  
The Planning Department has served as liaison between the Coast Guard and necessary Town departments and boards, in addressing the Coast Guard's plan to erect a 300' tower in Montauk as part of a nation-wide effort to update and improve marine search and rescue abilities under their Rescue 21 Program. Likewise the Planning Department has represented the Town of East Hampton to appropriate divisions of the US Department of Homeland Security to assist in the Coast Guard's completing their tasks with the minimum possible impact on Town environment. This project is ongoing, with expectations for completion in this geographic area in 2007 or 2008.
  
- **Planning Board Web Site**  
The Planning Department worked with the Town's Systems Administrator and website consultant to update the Planning Board website. Throughout all of 2005 anyone with internet access could check the Planning Board Work Session agenda, schedule of public hearings and download the Planning Department memos scheduled for review at the work session. We hope to expand this project to include Zoning Board Hearings and Lot Inspection results for individual properties in 2006.
  
- **Gerard Drive Culvert**  
The Town Engineer worked very closely with the consulting engineer, contractor, Natural Resources Department and others to finish the project. This included many site visits, meetings and telephone calls.
  
- **Ditch Plains & West Lake Drive Wetland Restoration Projects**  
The Town Engineer consults with the Natural Resources Department on these projects regarding contract specifications, permits and site visits.
  
- **Drainage Contract**  
The Town Engineer prepared the drainage contract for bidding.
  
- **Drainage Installation on Rose Avenue**  
The Town Engineer designed and supervised the installation of drainage structures on Rose Avenue an Urban Renewal Road at the request of the Town Board.

- Town of East Hampton Street Map  
Utilizing the same format as the existing Zoning Maps, a Street Map was prepared identifying Town wide street names.
- Maps for Town and Village Police Departments  
Numerous maps with and without aerial photos, all at different scales, were prepared for varying police investigations.
- Town of East Hampton Ocean Rescue Department  
A Beach Access Map was prepared to facilitate emergency response.
- Security Procedures for Cell Tower Facilities  
The Planning Department has been researching existing security procedures at public facilities nationwide in an effort to develop and recommend same for Town owned personal wireless service and public safety communications facilities throughout the Town.
- Wireless Lease Agreements  
The Planning Department has worked closely with the Town Attorney's Office on developing a Public Wireless Service Facility lease agreement boilerplate that best safeguards the Town's interests and is acceptable to wireless tenants.
- Defense of Article 78 Proceedings  
The Planning Department has worked closely with outside council in defense of a number of lawsuits against the Town Board and the Zoning Board. This includes supplying supporting material to Council, rebuttle of plaintiffs assertions, review of transcripts and preparation of Affidavits.
- Additional Town Engineer projects  
The Town Engineer has inspected and provided technical information to the Town Board regarding the staircase at Hedges Banks and the Stony Hill properties. He has also worked with the Chief Building Inspector on emergency storm permits and continues to work to bring new roads into the Town highway system. He continues to work with the Town's Cartographer to correct and update the Town's Old Filed Map Study.

Committees The Planning Department attended and provided support and input at the following committees during 2005:

- **Community Preservation Fund Committee**  
The Planning Department attended regular monthly meetings and provided the committee with zoning information, surveys, aerials, natural resource constraints and the application status of properties under consideration for public acquisition. Numerous maps at different scales were prepared for the committee and the Town Board.
- **Nature Preserve Committee**  
The Planning Department provides technical support to the Committee. We prepare and present information on newly acquired Town properties for nomination into the Nature Preserve system. The Department also prepares the Environmental Assessment Forms for adopted Nature Preserve Management Plans. Numerous maps at different scales have been prepared.
- **Housing Opportunity Fund Advisory Committee**  
The Planning Department attends monthly meetings and provides technical support to this committee.
- **SEEDS**  
The Planning Department, as a member of the Steering Committee for SEEDS, helped to oversee the initiative and participated in numerous meetings with the consultant and evening and weekend meetings with the stakeholders group.
- **East End Transportation Council**  
The Planning Department represents the Town at monthly meetings of planners and transportation agencies held in Riverhead to discuss regional transportation issues. This group is working on an intermunicipal agreement and may become responsible for overseeing a feasibility study and implementation of the SEEDS recommendations.
- **Long Island Sound Waterborne Transportation Committee**  
The Planning Department represented the Town on the Advisory Committee for this study and reviewed and prepared written comments on draft chapters of the report and attended public meetings on the project in Southold and Port Jefferson. Reviewed the final plan and obtained clarification in the report regarding projected Montauk ferry ridership.

- Long Island Sound Ferry Coalition  
The Planning Department represents the Town at quarterly meetings alternatively held in Bridgeport & Port Jefferson that discuss ferry related issues and upcoming studies and projects and recent innovations.
- Peconic Estuary Program  
The Planning Department regularly attends and contributes to the Peconic Estuary Program's Technical Advisory Committee meetings (quarterly).
- Long Island Weed Management  
The Planning Department attends committee meetings and provided detailed written comments to DEC headquarters on behalf of the Planning & Natural Resources Departments regarding the State's Draft Invasive Species Management Plan.
- Accessibility to Transportation on Long Island Study  
The Planning Department, representing the Town on the advisory committee for this study, attended the kickoff meeting for this study and has coordinated with the Human Services Department and participated in a teleconference meeting.
- Peconic Bay Natural Shoreline Committee  
The Planning Department regularly attends and provides technical contributions to this committee with representation from all 5 east end Towns regarding coastal structures and clearing throughout the Peconic Bay region.
- Shadmoor Management Committee  
The Planning Department is a member of the Shadmoor Management Committee which determines park use, development and land management policies. This year the committee reviewed a draft management plan prepared by the Town's Natural Resources Department.
- Grace Estate Management Committee  
The Planning Department is a member of the Grace Estate Management Committee which determines park use, development and land management policies.
- Long Term Mosquito Control Plan  
The Planning Department attends monthly meetings of the wetland subcommittee. We have reviewed thousands of pages of technical materials for this committee and make

frequent contributions to agenda items. We represent local concerns to Suffolk County Vector Control program. We prepared detailed written comments on behalf of Planning and Natural Resource Departments on the Draft Impact Statement.

MW  
Cc: Planning Department