

**PLANNING BOARD
VILLAGE OF SOUTHAMPTON
JUNE 4, 2018
WORK SESSION AND PUBLIC HEARING**

Due notice having been given, the monthly work session and public hearing of the Planning Board of the Village of Southampton was held in the Board room of the Municipal Building, 23, Main Street, Southampton on Monday, June 4, 2018 at 5:00 pm.

Board members Chair Roy Stevenson, Jayne Clare, Alan McFarland and Steve Lemanski were present. Pamela Gilmartin was absent.

Counsel for the Board Elbert W. Robinson Jr. and Environmental Planning Consultant Kathy Eiseman were present.

MOTION by S. Lemanski, seconded by A. McFarland

To open tonight's meeting.

On Vote: Chair Stevenson, J Clare, S. Lemanski and A. McFarland

SITE PLAN

On the application of **ROGERS MEMORIAL LIBRARY**, 91 Coopers Farm Road, S. Lemanski was recused from this application. Richard Warren of InterScience, was present for the applicant. He presented an aerial view of the Library. They would like to construct a small café. He noted on the aerial that there is a long colonnade; they will build a little 20'x20' around 426 square feet building for the cafe. They are looking to have a place to have snacks and drinks that can be purchased, this is becoming more popular in libraries. This will be a meeting place for persons and a place to take a rest. He presented a site plan that shows the position of the café and an attached pergola. Steve Lemanski designed the plans. They have not figured the prepackaged food vending; however, it will be locally provided. It is a simple project, it is a location that will not be seen from the street; you will not be able to see it until you are in front of the Library. They have an application before the BOH for a sink that will be part of the addition. Chair Stevenson asked if the lot lines or setbacks are infringed, R. Warren answered no. Chair asked about outdoor seating, R. Warren noted that possibly benches in the future but nothing definitive.

Jayne Clare felt that it is a great idea and would like to see it even bigger. She felt it will be popular.

Kathy Eiseman stated that the file is complete and if they will need a public hearing that it can be scheduled. Chair Stevenson stated that they can have a public hearing, and it could be for the next session. Counsel stated that a decision can be ready for the July public hearing. Alan McFarland stated that possibly the condo owners may want to appear, so a public hearing should be held. R. Warren stated that it is within their power to not have a public hearing, however, the Chair stated that they rarely do that and felt this needs to have a public hearing.

Motion by Chair Stevenson seconded by A. McFarland

To adjourn on the application of ROGERS MEMORIAL LIBRARY to the July 2, 2018 public hearing.

On Vote: Chair R. Stevenson, J. Clare and A. McFarland

EXTENSIONS

On the application of **SCHAFFEL/PRICE**, 122 South Main Street, present for the applicant was David Gilmartin, the applicant is seeking an extension. The request is for a 3-month extension for the BOH approval.

MOTION by Chair Stevenson, seconded by S. Lemanski

To approve the request for an extension on the application of SCHAFFEL/PRICE to the September 3, 2018 public hearing.

On Vote: Chair R. Stevenson, J. Clare, A. McFarland and S. Lemanski

PUBLIC HEARINGS

On the application of **550 & 554 HILL STREET, LP**, 550 & 554 Hill Street, Chair stated that at the previous hearing there were questions regarding certain aspects of the site plan, including the ARB stance on the demolition of the existing house. Chair asked for public comments.

Gil Flanagan, present for the applicant, stated that the driveway engineer concluded that the drainage can work for the driveway. They are aware that needs to be addressed, it has been looked at and is feasible. Both the engineer and the environmental consultants by the Village agree that it will work. The ARB issue they feel has been handled in the context of the subdivision. They noted that the conditions will be part of the final submission, they are fine with them.

Jeff Bragman, representing opposing neighbors, he felt that there is nothing on the sketch plan for the consultant to see. He feels that it makes sense in the sketch plan phase to make sure it works. There is a steep drop off and his clients are worried about the drainage. They also will have a concern about the demolition of the house because they feel it is contributing. They are interested in commenting on those two issues. It seems non-sensical to approve the sketch plan without a road profile. They request to look at the road profile on the sketch plan.

G. Flanagan responded that a sketch plan requirement is limited as to which details are needed. This is a minor subdivision, and they have agreed to have them look at the drainage and road conditions which is really for a requirement for a major subdivision. The consultant during SEQRA investigated the issue and the approval of the sketch plan does not make it irrevocable. It enables them to get busy with the nuts and bolts of planning the subdivision. He feels that since they don't have a full Board, he doesn't expect a decision tonight.

Chair felt that the whole plan of the subdivision hinges on the road and he felt that the feasibility of the road is important. G. Flanagan stated that will be done further down the process, this is the sketch plan.

Kathy Eiseman has prepared a sketch plan approval, when they have a complete Board they can pass a resolution when P. Gilmartin has been able to review it. Alan McFarland is concerned, he feels there is a higher duty to be careful with this application, he feels it needs to go before the ARB formally. He is concerned that the historicity of the building and it needs to be dealt with through them. He also noted an active objection from three years ago regarding the driveway at the back. He noted that there are very few easements granted by the Board, he is concerned about the future and drainage. He stated that David Amaleda agreed with him regarding that point. The neighboring properties half are R80, and the remaining are R40, they have expressed concern regarding this application to him.

Jayne Clare stated it has been a long process, she has only been sitting for a year of this process. Her understanding is that it is a basic resolution to move ahead and there are stop gaps. Chair asked Counsel to the legality of moving ahead, he doesn't want to add the weight or the approval of the sketch plan to signing off on the approval of the road. S. Lemanski feels that it is a complete sketch plan approval with additional requirements with elements above a minor subdivision. The approval shows that it is conditional on confirmation from the ARB, the road conditions, etc. He doesn't feel there is a problem with going ahead. He looked at the TOFO, the grade is 2' so not extreme, he feels the design of the road and driveway will not be a problem. Alan McFarland feels the sketch plan approval is complete, he feels it can be voted on by a complete Board.

Counsel stated that there is a progression to the subdivision by the Code, each step moves things forwards. It is subject to five conditions, one is the roadway, he asked the Board to look at this and they are being asked to approve the sketch. That driveway will be within the confines of the property, there will be other details that will be issues that need to be addressed but they need to address the driveway to move this thing along. The location will be on the sketch and they will move forward after this decision. He feels the Board needs to be more specific as to their concerns or objections. He stated that they need the applicant to go before the ARB regarding those houses, that burden is on them. The ARB must pass on them as to the contributing status. He states if he has problems with the road, please tell the exact concerns. It's unfair to Kathy's group to not have the exact concerns so that they can be addressed. Identify the specific conditions that the Board feels needs to be addressed, he can then advise going forward.

A. McFarland feels it is an insufficient application, he couldn't approve it. He feels that the neighbors have objected for over 10 years, the drop is severe, and drainage will be to the even lower property neighboring will be problematic. Counsel stated they will design the driveway, once they have approval for this they can move forward. They are approving the location of the driveway, not the design. A. McFarland feels the conditions have not been met. Counsel asked A. McFarland, if he disapproved if it's a flag lot or easement? He answered that he objects to both. Counsel stated it is one of the other, he's saying that is the access. Is the problem with the location? A. McFarland stated both. It is location and legal status that he has a problem with. Specifically, the location of the driveway on Captain Neck's Lane. Counsel asked which he prefers. A. McFarland prefers a flag lot for the future. Flag lots are preferable to easements per the Village from what he has heard. Counsel asked in the context of this subdivision how does the flag lot solution make better sense. A. McFarland stated that for the future owners he feels that it is better.

Counsel stated that the Board needs to prepare a list of concerns, itemized, so it can be discussed. J. Clare asked who made the decision for the easement. The ZBA granted the easement according to Gil Flanagan, he reiterated to look at the subdivision regulations, it is all on the sketch plan and they will comply with all regulations. He stated that compliance is their problem.

Counsel asked A. McFarland, what difference does it make whether its and easement or flag lot? What legal objection does he have to the right-of-way? A. McFarland stated that he feels G. Flanagan is an expert on this, Counsel stated that he is proposing a right-of-way. A. McFarland feels that flag lot is more manageable, the remedy lies externally when problematic, he feels it is superior to an easement. Flag lots have an extra level of protection from the Village. Every neighbor has concerns regarding this access.

Motion by S. Lemanski, seconded by A. McFarland

To close the public hearing and adjourn for all purposes to the July 2, 2018 public hearing on the application of 550 & 554 HILL STREET, LP.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

On the application of **83 FOWLER, LLC**, 83 Fowler Street, present for the applicant was Bailey Larkin, the affidavits of mailing and posting were submitted. The application is for a 2-lot subdivision, it is 5.2 acres located in the R80 zoning district. There will be a front lot and a flag lot. They have been before this Board for flag lot approval and tennis court approval already. The back lot is under development and they have received relief for accessory structures in the front yard from the ZBA. They have obtained BOH approval and a draft covenant for a no disturbance buffer had been submitted to protect the Wetlands. They received a memo from Kathy Eiseman asking that they receive metes and bounds for the wetlands area.

There were no public comments.

Kathy Eiseman stated that the C & R's can be taken as a condition for approval.

Motion by S. Lemanski, seconded by A. McFarland

To close the public hearing on the application of 83 FOWLER, LLC.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

SUBDIVISION

On the application of **WILLIAM & NANCY SCHAFFEL**, 122/132 South Main Street, the applicant has signed off on the C & R's and is awaiting confirmation from the County to close out. They are requesting adjournment to the August public hearing.

Motion by S. Lemanski, seconded by A. McFarland

To approve the applicants request for adjournment on the application of WILLIAM AND NANCY SCHAFFEL to the August 6, 2018 public hearing.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

On the application of **COWLES ASSOCIATES, LLC**, 477 Little Plains Road, Bailey Larkin for the applicant, affidavits of mailing and posting were submitted. The ZBA granted variances for this subdivision. Upon up zoning, these two separate parcels were merged. They were granted by the ZBA to subdivide along the existing lot line in 2014. The applicant did not comply within the time frame for the subdivision so needed to resubmit, so they are asking for reapproval of the subdivision.

Kathy Eiseman stated that the application is identical to the previous decision but needs to be up for public hearing, it can be put on the agenda for July 2nd.

Motion by S. Lemanski, seconded by A. McFarland

To schedule the application of COWLES ASSOCIATES, LLC to the July 2, 2018 public hearing.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

LOT LINE MODIFICATION

On the application of **EAST END HOLDINGS, LLC**, 38-42 Jobs Lane, Kathy Eiseman stated that other than the one comment regarding building height and continuity of the that height, it can't extend more than 65' from the same height without a change of 3 feet. There are engineering comments, one regarding the use of the cellar area which is 9'6", they are only proposing 30% for storage and the rest for the mechanicals which does not require design flow but if they have more they will need it. They are restricted by the BOH 300 gallon per day/acre limits, it would be enforced covenant and by the Building Department. A. McFarland asked how that gets enforced?

G. Flanagan state that the Health Department requires covenants and restrictions. The Village can request C & R'S as well, and they will be doubly enforced. They designed two AI systems for this; the gable redesign has solved the problem, they constructed a gap in the middle for that purpose. S. Lemanski stated that the BOH has shown these new systems are hitting the numbers and reducing nitrates.

Kathy Eiseman stated that the application is not technically complete because some engineering comments are not addressed but it is ready for public hearing. The grading and ground water elevation were in question as well. Gil Flanagan stated that they will be ready to answer those by the public hearing. A submission was made regarding handicap access as well, they met with John Foster, they have a letter stating it is acceptable to him.

Motion by Chair Stevenson seconded by S. Lemanski

To schedule the application of EAST END HOLDINGS LLC to public hearing on July 2, 2018.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

SITE PLAN

On the application of **BEECHWOOD LATCH**, 101 & 109 Hill Street, this application is adjourned pending ZBA decision.

On the application of **JOHN DANIELSON**, 30 Sanford Place, this application is adjourned pending additional submissions.

On the application of **HAMPTONS HDA LLC**, 116 North Sea Road, this application is pending the NP&V review and the applicant requests adjournment to the June 25, 2018.

Motion by S. Lemanski, seconded by A. McFarland

To approve the applicants request for adjournment on the application of HAMPTONS HDA LLC to the June 25, 2018 work session.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

PRE-SUBMISSION CONFERENCE

On the application of **McDONALD'S USA LLC**, 307 North Sea Road, this application was withdrawn.

Motion by Chair Stevenson, seconded by S. Lemanski

To approve the minutes of the 4/30/18 meeting.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

Motion by S. Lemanski, seconded by A. McFarland

To adjourn the meeting.

On Vote: Chair R. Stevenson, J. Clare, S. Lemanski and A. McFarland

Respectfully submitted by JoLee Sanchez 6/4/18

Village Clerk