

**PLANNING BOARD
VILLAGE OF SOUTHAMPTON
SEPTEMBER 19, 2022
PUBLIC MEETING & WORK SESSION**

Due notice having been given, the Planning Board public meeting and work session was held at Village Hall, 23 Main Street, Southampton and via Zoom videoconferencing on September 19, 2022 at 5:30 pm.

Chair Tony Piazza and Board members Jayne Clare, Lisa Cowell, Alan McFarland and Willa Bernstein were present.

Environmental Planning Consultant Kathy Eiseman was present. Counsel for the Board Alice Cooley was present. Counsel Jeffrey Blinkoff appeared as counsel to the Board regarding the application of 550/554 Hill Street LP. Village Planning Director Alex Wallach was absent.

MOTION by Chair, seconded by A. McFarland

To open tonight's meeting.

On Vote: Chair, J. Clare, L. Cowell, W. Bernstein, A. McFarland

WORK SESSION AGENDA

SUBDIVISION REVIEW

On the application of **550 / 554 HILL STREET, LP**, 550/554 Hill Street, John Bennett is here to represent the applicant. Mr. Bennett stated that he received a memo today and he responded by stating his position that the application is complete. Mr. Bennett stated also that he had never in his life seen an application that required showing a proposed I/A system on proposed parcels. Mr. Bennett said that the ZBA had approved all relief from the code and that the Planning Board had no jurisdiction to request further information on lot layout, or from PSE&G, etc. Mr. Bennett proceeded to interrupt Mr. Blinkoff and said it was outrageous to suggest he was having trouble controlling his anger. The chair asked him to sit down and let people speak but Mr. Bennett refused and said he would stand but not interrupt. He sat down after being warned that the meeting could be shut down if he didn't comply. At this point he feels that a public hearing should be scheduled. ZBA approval was affirmed by the Supreme Court on August 26, 2017. Mr. Bennett also stated that IA systems are not shown on each parcel for a subdivision map. He argued that the SEQRA determination was made 5 years ago and nothing has been changed. He argued that the only change was demolition of a house on the property which he described as the alleged historic house. Mr. Bennett cited case law in his presentation in support of his response and request. Mr. Blinkoff stated that Mr. Bennett should not have castigated this Board and that he disagrees with his representation. The application, as per the planning consultant, requires further information to be complete which should be provided. The IA systems are not the only outstanding item on this application. Mr. Bennett feels that the application is complete but said that the application can be adjourned for 2 weeks with his objection.

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MOTION by Chair, seconded by A. McFarland.

To adjourn for two weeks for applicant to provide additional information relative to incomplete application.

On Vote: Chair, J. Clare, L. Cowell, W. Bernstein, A. McFarland

SITE PLAN REVIEW

On the application of the **TOWN OF SOUTHAMPTON**, 51 Pond Lane, there is a request for adjournment to November 7, 2022.

MOTION by Chair, seconded by J. Clare

To approve the applicant's request for adjournment on the application of TOWN OF SOUTHAMPTON.

On Vote: Chair, J. Clare, L. Cowell, W. Bernstein, A. McFarland

On the application of **71 HILL LLC**, 71 Hill Street, the public hearing is closed and the Board has a draft resolution to consider. Draft conditions have been received by the applicant. Linda Riley is here to represent the applicant. Conditions were discussed amongst counsels. Ms. Riley stated that conditions number 5 and 7 were removed. The main issue for the applicant is the cross access, and there is none currently in place. The neighbors are not going to be any different in position if this application does not contain this condition. This is a resort hotel use, therefore the guests have certain expectations of what the surrounding and amenities will be like. The thought of car traffic within feet of sliding glass doors and decks will make it untenable. Case law was given to oppose the cross access. The village code requires this condition and the building inspector determined the cross access is required. Ms. Cooley was able to delineate that the perpetuity was the objection and it is not gone, but this is not an easy fix. Nina Strunk appeared as another counsel representing the applicant. The right to exclude the public, the right to privacy to be sacrificed would be unconstitutional and an article 78 would be filed if this condition is not removed. Ms. Bernstein questioned the amount of parking spaces eliminated under the concessions that were made. She felt that the cross access was the counterpart to making those concessions work. Ms. Bernstein asked what the solution would be for the parking then. Ms. Riley stated the parking proposed complies, so there will be no shortage of parking. Ms. Eiseman stated that the shared access is required unless it is not physically feasible. The condition gives the application the opportunity to demonstrate this. The shared alleyway "shall be provided". There were no conditions set previously on this property. Ms. Cooley stated that this Board has the purview to set conditions. There is no issue for parking at Claude's. They have their own parking on that parcel. Ms. Cooley stated that a resolution needs to be adopted tonight unless the applicant is willing to extend the Board's time to adopt a resolution. There is a requirement in the code that a decision needs to be reached within 45 days of the last hearing. Ms. Riley did not consent and stated ZBA and ARB and BOH still need to be pursued by the applicant. Terry Moen spoke and represented the Applicant. He stated that the movie theatre has been sold,

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and cited the example that it could become a nightclub. The use of the cross access needs to be protected. The privacy and safety of Hotel guests needs to be protected. They are willing to consider pedestrian access but do not want to be locked into a condition. Ms. Clare and Chair asked if this could be a conditional future cross access, Ms. Riley stated that this has been done and there is precedent in the Town. This happened on County Rd 39 and Dave Bofill Marina and the gas station. The Town PB made a conditional site plan approval for a future cross access. It was not objected to within 30 days. Then since it went beyond the time, they couldn't get the Building permit extended due to cross access not working out. Ms. Riley does not agree that this condition needs to be addressed in such a head-on way. Ms. Riley stated that the grade to the Verizon lot makes this condition not feasible. Later one may be able to engineer something. But their objection is past the feasible component.

Ms. Bernstein asked whether there was enough parking under the code without the reciprocal easement and Ms. Eiseman stated that there was under the 40% calculation. Ms. Bernstein stated that she was generally in favor of public access but that in this instance the site plan before them didn't show a cross access plan because the details had not been worked out and the future adjacent lot owner was unknown. Therefore Ms. Bernstein felt that condition of the easement was too vague and unenforceable and had no teeth, so she was not in favor of supporting a plan with that added as a physical condition but not appearing on a modified site plan.

The remaining conditions were reviewed by the Board. There was objection to number 10, 11 and the last covenant. The affordable housing condition was an issue for the Applicant. If work force housing was no longer a requirement under the Code, could it be amended. A clause speaking to this can be added. If the Board would like this added then the covenant should be revised to make this possible. Ms. Cooley stated that work force housing has been part of the application and it was something that was important to the Village Board. The Board would like this to remain and would like it added in a covenant. Pedestrian access covenant will remain. The Board will amend the verbiage on paragraph 22. Counsel will not advise the board to remove the access condition's because the Code says the parking requirements shall be complied with. Ms. Bernstein is not in favor of the amendment to the conditions.

MOTION by L. Cowell seconded by Chair

To adopt the site plan approval resolution on the application of 71 HILL LLC.

On Vote: Chair, J. Clare, L. Cowell,

Nay: W. Bernstein, A. McFarland

MOTION by A. McFarland seconded by Chair

To close tonight's meeting.

On Vote: Chair, J. Clare, L. Cowell, W. Bernstein, A. McFarland

Respectfully submitted by Antoinette Edwards: September 19, 2022

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Village Clerk