

**PLANNING COMMISSION
PUBLIC HEARING
SOUTHAMPTON VILLAGE
MARCH 7, 2019**

Due notice having been given, a public hearing of the Planning Commission for the Village of Southampton was held in the Board room of the Municipal Building, 23 Main Street, Southampton, NY on Thursday, March 7, 2019 at 5:00PM.

Chair Paul Travis, Laura Devinney, Edoardo Simioni and Jesse Warren were present. Marc Chiffert, Edward F. Corrigan, Robert Essay, Joseph McLaughlin and Eldon Scott were absent.

Chair opened the meeting.

First on the agenda tonight, there have been local laws proposed by the Trustees that they would like the Commission to review. First, is to deal with the flat roof issue in the Village, generally the code has worked well. The current code is that the height of any residential building where the roof pitch is flatter than 7/12 shall be seven feet less than the maximum height allowed. So, if allowed a 35' pitched roof, if a flat was chosen it would have to be at 28'. The pitched roof is the historic preference of the Village and in keeping with the existing character. What is currently happening with some newer homes being built in the Village, is that people are doing both pitched and the flat and it is making for larger, boxier massing; it ends up being a very bulky roof. The proposed is that they not be allowed to do both. Proposed is that for a roof pitch of less than 7/12 over greater than 5% of the total roof area shall be considered to have a flat roof and then would have the lesser height restrictions. This has come up because recently in the Building Department they have been getting many calls about houses that don't conform to the Code, however, they do, and it is somewhat of a loophole.

Edoardo Simioni stated that he hasn't had much time for review the proposed legislation, but he agrees with purpose to encourage the pitched roof. He thinks the proposal makes sense. Jesse Warren appreciates the Building Department addressing this issue.

Michael White, contractor, stated it's not a trick that contractors are performing when doing the flat and pitched. It is just that you do not notice it, you can't tell that it is a flat roof. It is being done all over the Village and isn't an issue in his opinion. The reason is that it is being done that the roof heights have been lowered. He thinks the Board should go to some of the houses that he has built, and they will see that you can't tell it is flat. He feels it will alter the architecture in a negative way to add this to the Code. The square footage under 7' inside doesn't count, so he feels the houses will become wider.

Jay Desing, Village resident, noted that East Hampton doesn't allow any of these flat roofs and they have no problem with their real estate values, and it protects the architecture of the Village. It should just be used as a spot where two other roof lines meet, not as a large part of the roof. He thinks that they should support the Village in supporting the Code change. They are starting to see impact on design in the Village.

E. Simioni feels they shouldn't be banned but that they should be controlled. Chair states that the reason it came up is because people are calling complaining about these flat roofs. These homes with complaints are currently to code, however they are bulkier than intended, thus the need for this change.

He thinks this is a good compromise. E. Simioni asked M. White about why he feels it is ruining the architecture. M. White stated that there may be 2' of flat roof and that would possibly be greater than 5%. He feels that it will make the houses appear squatty. L. Devinney asked for the addresses that are his examples so they could review them. Chair noted that for clarification, this is for larger flat roofs, someone with 2' of flat roof wouldn't be an issue, they wouldn't exceed the 5%. Chair stated that other towns have decided not to allow flat roofs. East Hampton Village does not allow but they allow up to 5%, they want to close the loophole that allows flat or pitched and not doing a high bred which is over 5%. The Commission feels that this if a fair way to handle it. They are trying to bring back the intent of the zoning, they don't want a boxy house that is 30'. This is a few isolated houses, at least ninety percent of the houses are being built with pitches and dormers.

J. Warren asked M. White for photographed examples and the addresses, he feels that would be helpful. He also recommended that M. White attend the March 26th Board of Trustees meeting that will bear on this issue. He can state his comments and concerns there and that would be helpful to them. Chair stated that by doing this, people are trying to get habitable space on a third floor. M. White denies that contractors are doing it for that reason; he feels the space it would make would not be habitable.

The second proposed law would make the process of wireless equipment on rooftops less burdensome to govern, currently all those requests must go before the ZBA or the ARB. The law clarifies the types of wireless facilities and antennas that are exempt from special exception review by Boards, including certain facilities on municipal buildings and structure. There was no public comment on this proposed law.

The third proposed law would be to permit the construction of an accessory structure in the front yard on waterfront lots and corner lots provided the required accessory street setback is maintained. Currently, you are not permitted to have an accessory structure in a front yard unless you go before the ZBA. The Building Department feels strongly that this be in the Code. This would provide that you could put accessory buildings on a waterfront lot or corner lot in what would be considered a front yard. The waterfront lot issue is most prevalent on Meadow Lane on Shinnecock Bay. The north side of Meadow has been developed, all the houses must come before the ZBA to get a waiver to put a structure in the front yard. Second, is that if you have a house on a corner lot, there are two front yards. They must come before the ZBA to get an accessory structure, it's an issue with pools and tennis courts as well. The Building Department feels that there should be allowance for corner lots but the ZBA feels that they still need to weigh in if there is a pool or tennis court.

E. Simioni feels it is a necessary law, he feels that going to the ZBA is unnecessary. He thinks even flag lots can have this law. L. Devinney feels the ZBA should still be used for these situations, in that way the neighbors can weigh in. J. Warren agrees with L. Devinney that is the purpose of those Boards.

Chair stated that this has come before them in the past, they are sympathetic, but they thought the corner lot issue was more problematic. Giving the Building Department blanket ability to approve could be a problem. Most of those house have been built since the Code. L. Devinney asked if pools and tennis courts at the north side of Meadow Lane must be elevated. Chair stated that they are forced to the front and for FEMA compliance must build on stilts, this pertains to the north side of Meadow Lane. Tennis courts are built at grade, but the pool needs to be raised. It is specific areas on the Lake and Bay that the waterfront exception would apply.

Second on the agenda, they had issued requests for RFP's for the hospital site, there has been a subcommittee working on that. They received seven proposals, they had a short list of three. Chair sent a scoring sheet around to all the members, the scoring sheet had one firm that was a standout and that Joseph Lima and Joint F/X Collaborative. J. Warren felt they were all great, but that Joseph Lima stood out.

Third on the agenda, they have been talking for a long time about drainage around the Village and the condition of the Lake. When they first started talking about these issues around ten years ago; they were asked to resolve the zoning issues in the Village Center, the Master Plan was adopted and is part of the Code. After that, there was an H2M study regarding the possibility of a sewer district. There was a proposal put forward for the sewer district for the Village center. The Village has been making efforts to address the drainage issues. They recently got funding through CPF for Jobs Lane. The sewer district proposal did not go through at that time, for financial reasons and controversy regarding the causes of the Lake pollution. Since then, the woman who became Mayor of Westhampton Beach heard the idea of a sewer district and has moved forward with it, much of it paid by public funding. The Mayor and Trustees have officially asked the Commission to reengage on this issue. Second, the homeowners around Lake Agawam have reorganized in a committee to help with the issues regarding Lake Agawam. The Chair turned to J. Warren who has been working on the condition of Lake Agawam.

J. Warren stated that there is a 2017 update to the 2009 study. He asked for it to be published on the Village site. The study by Stony Brook University shows that the Village center is responsible for 20% of the pollution of the Lake. The largest polluter comes from wastewater from homes, that is 49%. That's more than double Village center area. The State, County and Town do have funding to subsidize the cost to use AI funding for replacement of polluting systems. They need to do a better job promoting that and getting that funding because the money will go fast. In addition, 8% of the pollution is lawn fertilizer and 4% is runoff. Lastly, 14% is sediment at the bottom of the Lake. What he'd like to propose is to go to the Lake Agawam Homeowners Association and educate them about this. It may be time to mandate some type of change for the wastewater situation, perhaps legislate it. As a Commission they need to reach out to homeowners. An easy thing to do, is to mandate lawn fertilizers. The currently used are loaded with nitrates and phosphates, however, there is a list of more acceptable fertilizers. They should propose legislation for appropriate fertilizers or eliminate the use of the heavy nitrate fertilizers. The Garden Club of America can educate the Commission and public on that, it may be possible to have green lawns and make the health of the Lake better. That is the overview, and he'd love to start somewhere. Also, he invited Nick Palumbo and David Mayer who is running for Town Trustee to join the meeting.

N. Palumbo, Village resident, stated that he came to listen. He thinks it is well past time to act on the issue. The financial supports are there and to not access them is borderline negligent. He is interested to see the Commission recommendations.

D. Mayer, Hampton Bays resident, agrees with J. Warren. He likes to follow the money, they should look at the property values, he feels they are dropping because of the condition of the Lake. He presented some Zillow statistics to the Board. If they let the eco system go, no one is going to want to come out East. No one is taking advantage of the IA septic systems, they need to advertise or educate it, possibly by a social movement. That change would cut down on the nitrogen. He feels the geese are a problem too, wildlife management needs to be involved. Homeowners can take this into their own hands.

L. Devinney says it's not just a remedy but also, they desire to revitalize the downtown. She feels it is multi-pronged, but the Village needs more restaurants and nightlife and it is more than just curing Lake Agawam. A sewer system is necessary instead of just IA systems on each property. D. Mayer feels that this is a free and easy way to begin to clean up the Lake. He agrees that they need a sewer and other measures to clean the Lake. They are at a point that they must decide if there is time frame on it.

E. Simioni asked about the 49%, he stated that homes 10 miles out from the Lake does not pollute it. D. Mayer stated that it does with time, in about 40 years most of the houses reach the Lakes. Chair stated drainage here runs north to south and the Village is south. If starting to build now it would never be allowed but we are a 400-year-old Village. The houses around the Lake are having a direct impact on the Lake, they must act at this point. E. Simioni feels the Village Center is the greatest impact. J. Warren feels it is the homes. The Commission feels that all the steps need to be done in unison, one alone will not solve the problem. D. Mayer noted that waiting for better technology isn't the answer, if you have an urgent need you use the technology that is available.

M. White stated that last time he was against the sewer district. He stated that the school just announced that there will be a 22% drop and that the trend is that there will be less population, there will be no one in the Village to have the wet uses. He stated that they must open the Lake to run off into the ocean. The pollution is so bad because of the rain and runoff. J. Warren, states that if you look at it from the other point of view, it highlights just how bad the septic problem is. There is so much runoff and it is only 4% of the problem. M. White doesn't believe that study, he states that there are no cases of polluted water from cesspools. Putting drywells is sucking it right back into the bay, that is not the answer. He cited a house he built on Lee Avenue and every time it rains it drains into Heady Creek.

J. Warren states that he is not wrong in what he is saying, they agree. He feels that there should be a plan, a three-part plan to evacuate the water, dredge and septic systems. L. Devinney asked if when they had H2M did they have other companies as well. Chair stated they looked for a company that was not going to be an economic state in what happens. One thought in going forward that we bring in an engineer that will not be involved in the building of the system.

Charles Skyler, resident of Southampton, he hears all the comments. He thinks that unless you have a means of flushing the Lake you are never getting less contamination. He feels that it needs to be flushed. It will be problematic because it is higher than the ocean. People think the pipe that this there is to flush, however, it is there to alleviate flooding but not to flush out. He feels it needs to be dredged as well, that sediment needs to come out. Opening out the Ocean he feels is important.

D. Mayer noted that it is a fresh water Lake and if flushed it will kill the freshwater species that are in the Lake. Gin Lane can't really be opened. The dredging can also cause particulate in the air to breathe in. Chair stated that dredging is extremely expensive and complicated, it would eat the Village budget for the year. He noted that if measures are taken to the cleanup, the Lake can revitalize naturally as well. Chair feels it is important to have a plan to address all the causes, not just one. For example, have a plan that shows how 86% of the causes will be addressed. The public wants the problem to be solved. Village homeowners around the Lake need to feel that the Lake problem will be solved and then the investment will be worth it to them.

M. White feels that the cuts that have been removed affects the health of the Bays. Chair noted that the pollution is still going somewhere, it is going into the ocean. M. White feels that in Southampton, he

feels mother nature will take care of the problems. J. Warren stated that they can pivot a discussion to the vibrancy of the Village, perhaps using an engineering firm to do so. Chair stated that there is an existing Master Plan in place, it is a solid plan. They need more residential and wet uses for vibrancy and that requires a sewer district. Technology has come so far, they need to revisit the plan. The Zoning was first, that process was done to protect the character, now they need to implement the Master Plan.

Chair asked J. Warren to organize a workshop and get someone from F/X, Lake Agawam Homeowners, the Mayor of Westhampton Beach, etc. It may be more economic to have the individual systems. They need a facilitator in the Village to help on how to get the money, the CPF is easy but the State is more difficult. L. Devinney stated that help should be available at the Building Department.

M. White stated that you go to Southampton Town to get the application for the CPF and you go to the County for the State funding. He is an installer of these systems and it is not too difficult to get the funding. He also suggested that you send a registered letter to each of the homeowners on Lake Agawam with the information regarding the pollution and the AI systems, possibly include an application.

Chair stated that it may be advantageous to have the meeting at a different time, maybe have it at a time when they can attend like a Friday evening or Saturday afternoon. Many residents return in April. The Commission feels that letters to the homeowners around the Lake is a good idea.

MOTION by Chair Travis, seconded by L. Devinney

To close the March 7, 2019 meeting.

On Vote: Chair Travis, L. Devinney, E. Simioni and J. Warren

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk