

Minutes
Planning Board
October 8, 2020
11:00 a.m.
via Video-Conferencing and
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Those present were:

Bruce A.T. Siska, Chairman
Obron Farber, Member
John S. Tarbet, Member
D. Walker Wainwright, Member
J. Kenneth Wessberg, Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
John Huber, Attorney on behalf of Georgiana Slade and Amphitrite
Properties, LLC
Georgiana Slade, Applicant
David Mellgard, Applicant
Jody Gambino, LTV Moderator
Pamela J. Bennett, Deputy Clerk

Mr. Siska: Welcome everyone to our sixth virtual Planning Board meeting for the Village of East Hampton. Today is Thursday, October 8th and it is 11:00 o'clock.

1. **Minutes**

Mr. Siska: Our first order of business on our agenda are the minutes from our last meeting of September 10th that have been previously distributed. Has everyone had an opportunity to review the minutes and are there any changes or corrections that you would like to make or discuss? If not, I will entertain a motion to approve the minutes as written.

Mr. Wainwright: So moved.

Mr. Siska: Second?

Mr. Wessberg: Second it.

Mr. Siska: All in favor?

Ms. Farber: Aye.

Mr. Tarbet: Aye.

Mr. Siska: Opposed? Okay, great, the minutes have been approved, thank you.

**2. Furtherfarm, LLC – 218 Further Lane and
EH 226 LLC – 226 Further Lane**

Mr. Siska: Next on our agenda is a request for adjournment. We have a letter submitted by Ackerman, Pachman, Brown and Goldstein LLP respectfully requesting an adjournment of the scheduled October 8 Planning Board meeting for 218 and 226 Further Lane which we shall grant. If there are no objections, I will entertain a motion for that.

Mr. Tarbet: So moved.

Mr. Siska: Second?

Mr. Wessberg: Second it.

Mr. Siska: All in favor?

Mr. Wainwright: Aye.

Mr. Wessberg: Aye.

Mr. Siska: So moved, thank you.

**3. Georgiana J. Slade and Amphitrite Properties, LLC
39 Middle Lane and 35 Middle Lane**

Mr. Siska: Next lot line modification 35 and 39 Middle Lane. John, I see that you are unmuted so that is good. We have received two letters in regards to this application, the first is from Chief Turza of the East Hampton Fire Department stating that he has reviewed this application and the proposed FAAR road meets the requirements set forth by the New York

State Fire Code and he has no objections. The second letter was submitted by Vincent Gaudiello of The Raynor Group who has also reviewed the proposed application of the FAAR road and the drainage and also has no objections to the plan as submitted. If you guys remember at our last meeting we did vote to waive the public hearing but we did hold off on moving forward until we receive both these approval letters from both the Engineer and the Fire Chief. Does anybody have anything they want to discuss in reference to both of these letters? No, okay...

Ms. Farber: On the application, I have a question, not the letters because they concur.

Mr. Siska: Okay, go ahead.

Ms. Farber: Forgive me if this has already been established but in Billy Hajek's letter of June 25th he recommended a formal easement agreement for that original 1985 decision, I do not know that we ever received that, did we?

Mr. Hajek: So, it is shown that they, it has now been depicted or shown on the map, and I think the actual legal document, the written document, would be a condition of your approval.

Ms. Farber: That is what you refer to in I think your letter of June 25th. Did we ever receive that actual document?

Mr. Hajek: No, that would be a condition of your determination.

Ms. Baldwin: You could approve the map while requesting that prior to being filed that they submit the document that I would review and then they can file it.

Ms. Farber: That was my only question.

Mr. Hajek: But the map clearly shows the metes and bounds and the description of the easement so the map is acceptable.

Mr. Huber: Mr. Chairman, may I comment briefly?

Mr. Siska: Sure, go ahead John.

Mr. Huber: Okay so assuming the Board is willing to vote on and approve the application today, my concept of it is that between now and the Board's next meeting Village Attorney Baldwin could prepare the written resolution for approval, and what I can do also in that timeframe, pretty quickly actually, is submit to you the draft easement, we could even have it executed by the parties, time permitting, and which I could then take and record with the Suffolk County Clerk, and what that would do is memorialize essentially two things. It would be an easement agreement between the two parties, the owners of the respective properties, that 35 Middle Lane has the right to use the curb cut and the driveway, the flagpole strip on 39 Middle Lane, to access 35 Middle Lane. Aside from that, it may be academic but the obligation for them to share that curb cut and at least a portion of the flagpole strip is memorialized and binding in the Board's prior decisions. So, if the Board also for a belt and suspender's approach if you would like to just say in the written, assuming Village Attorney Baldwin agrees, that the decision itself obligates them to use that curb cut. I think that is binding on them going forward as it has been since 1985. I think submission of the written easement agreement is really the belt and suspenders aspect of it but I am happy to comply with whatever the Board would like.

Ms. Baldwin: It is a standard practice in the Village to now, at this time, back when it was originally subdivided it was not, but now it is standard practice for the Village to require a driveway easement for a common driveway.

Mr. Huber: Sure, okay, I will prepare that forthwith following today's meeting and I will get that submitted right away, and I can coordinate that with Village Attorney Baldwin so that she is fully satisfied with the format and content of the document.

Ms. Baldwin: Great.

Mr. Huber: Thank you for hearing me out on that issue.

Mr. Siska: Great, thanks John.

Mr. Huber: One final point, if I may, for purposes of, it is interesting the way the Village Code is constructed, it requires, I would prefer, if the Board is open to it, that we make this a final approval today rather than a conditional approval because in November when you adopt the formal

resolution, if my interpretation of your Code is correct, the Chairman will have to sign the plot that is approved and I will have to file that within 62 days of your approval, and in order for that to be legally effective, it cannot be a conditional approval, it has to be a final plot approval which then triggers the 62 day timeframe to file the map with the County Clerk. If you do it as a conditional approval, then the process continues further so this is relatively time sensitive since my clients need to proceed so I think the way to protect the Board and what Ms. Farber has requested is I will need to hustle and get you that document that you have asked for and so long as it is in the content and format that Village Attorney Baldwin is requiring, the approval you issue on November 12th I would request be the final approval if the Board agrees with that.

Mr. Siska: Yes, I think that is, Elizabeth, can you comment on that?

Ms. Baldwin: I think that is fine. I mean as long as we can get that prior to the meeting that I can sign off on the easement, I do not think there were any other conditions, were there, Billy?

Mr. Hajek: The conditions would be Health Department approval, the easement, and then recording deeds effectuating the actual, I guess that is just recording the map is the same as recording the deed.

Ms. Baldwin: Yes, they just have to record the map.

Mr. Hajek: So, the Health Department is the only other required approval that is needed.

Mr. Huber: So, if I may ask a question of Village Attorney Baldwin do you see that the Health Department approval is a condition that would frustrate the Board approving this as final? That is really a self-effectuating condition that would not require us to come back before the Board, right?

Mr. Hajek: You cannot file your map until you have Health Department approval.

Ms. Baldwin: Right, I do not think, do we usually sign the map before Health Department or do we wait for the Health Department stamp before we sign the map?

Mr. Huber: If I may, the Health Department needs your written resolution...

Ms. Baldwin: In order to...

Mr. Huber: Correct, including that it is a Type II Action, the Health Department is waiting to see that you have made a Negative Declaration, etc. all of which is memorialized in the Board's written resolution.

Ms. Baldwin: We can work out the...

Mr. Hajek: I think we are getting into semantics.

Ms. Baldwin: I think we can work this out to make it work.

Mr. Huber: Thank you.

Mr. Siska: Okay, so do we need to vote on Beth preparing the resolution for the next meeting?

Ms. Baldwin: No, you do not have to vote, I can just prepare it and then we will have it ready for you for the next meeting.

Mr. Siska: All right, perfect. Does anybody else have any comments before we move forward? Okay, so we will wait on that resolution for the next meeting and then we will vote on that then.

Mr. Huber: Thank you for hearing me out so patiently, I appreciate it.

Mr. Siska: Not a problem, thank you.

Mr. Huber: Have a nice day everyone, be well.

Mr. Siska: You too, thank you. All right, that is actually all on our agenda for today, does anyone have anything else they want to bring up before we adjourn? No. Can I have a motion to adjourn the meeting for today.

Mr. Wainwright: Motion.

Mr. Siska: Second?

Mr. Wessberg: Second.

Mr. Siska: All in favor?

Mr. Wessberg: Aye.

Mr. Tarbet: Aye.

Mr. Siska: All right, great, thank you all.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: November 13, 2020
TIME: 9:00 a.m.

A handwritten signature, possibly reading 'WRB', is written over the 'TIME' line of the filing stamp.