

Minutes
Planning Board
January 14, 2021
11:00 a.m.
via Video-Conferencing and
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Those present were:

J. Kenneth Wessberg, Chairman
Bruce A.T. Siska, Member
Obron Farber, Member
John S. Tarbet, Member
D. Walker Wainwright, Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Rick Slater, Applicant, 31 Cooper Lane LLC and Kim B. Slater
Jonathan Tarbet, Attorney on behalf of 40 Middle Lane LLC and
Elizabeth A.R. Frowein
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. Wessberg: Good morning everyone, Happy New Year to everyone, today is Thursday, January 14, 2021, this is the Village of East Hampton Planning Board meeting.

1. **Minutes**

Mr. Wessberg: Did everybody have a chance to read over the last month's minutes?

Mr. Siska: Yes.

Mr. Wessberg: Do I have a motion to accept them?

Mr. Wainwright: So moved.

Mr. Tarbet: So moved.

Mr. Wessberg: Second also?

Mr. Siska: Second.

Mr. Wessberg: Okay, thank you.

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

Mr. Wessberg: Pam, can you read the resolution for today please.

Ms. Bennett: There is no resolution. I think you have to open the hearing, is that correct, Beth?

Ms. Baldwin: You will have to open the hearing for Furtherfarm, you were going to re-open it, at the request of the applicant.

Mr. Wessberg: I am going to open the hearing for Further Lane LLC 218 and 226 Further Lane, we are going open that hearing for paperwork to come through, correct?

Ms. Baldwin: We will need a motion?

Mr. Wessberg: Can I have a motion?

Mr. Siska: I will make that.

Mr. Wessberg: All in favor?

Mr. Tarbet: Aye.

Mr. Wainwright: Aye.

Ms. Bennett: I am sorry, I did not hear the second?

Mr. Tarbet: I will second.

Ms. Bennett: Thank you.

Mr. Wessberg: All in favor.

Mr. Siska: Aye.

Mr. Wainwright: Aye.

Mr. Wessberg: That is all we need, Beth?

Ms. Baldwin: For that, yes, so now the hearing is open, and I believe the plan is to...

Mr. Wessberg: Hear it in February.

Ms. Baldwin: In February, correct, continuation of the hearing in February.

3. **31 Cooper Lane LLC – 31 Cooper Lane and
Kim B. Slater – 29 Cooper Lane**

Mr. Wessberg: Okay, so we will move onto the next which I believe, Pam, is Kim and Ricky Slater, 31 Cooper Lane?

Ms. Bennett: Yes, that is correct.

Mr. Wessberg: Are they on the line?

Ms. Bennett: I saw Rick there.

Mr. Slater: Good morning, are you able to hear me?

Mr. Wessberg: Yes.

Mr. Slater: I thank the Board for the opportunity to get together with you today to make the request, and I know you are busy but we thank you. Our request today is an amendment of the Board's resolution for number 29 and 31 Cooper Lane that was dated March 9, 2000, Suffolk County Tax Numbers 301-1-4-1 and 2. We took possession when we bought number 29 Cooper Lane in 1999. As a result of our purchase, the Village Board certified a deeded access so of course 29 would not be landlocked, the access to, coming off of Cooper Lane through the property of 31 which we now own as of August of 2020. The survey in front of you dated 1999, July 12, 1999, depicts a 15-foot driveway easement that crosses over the front lot, number 31. You would question why it was done this way in a diagonal position, but if you take notice of the entry of number 29, the rear cottage, the entrance, the only entrance, is on the north end of the building, and our dear friend, Dick Peele, who owned the properties back in the day thought it was convenient for the tenant

or family member to park as close to that door as possible so that is why that is reflected in that and that was again agreed to March 9, 2000. Today we come before you as we are in the process of permitting number 31 with a new structure, a new primary house, and now we have to come together and plan for the future development of the back property, number 29. In doing so, we are looking for a reduction of a 15-foot easement to 12 feet and the reason for that is basically and ultimately is the safety of traffic flow coming through the two properties. Twelve feet would give ample distance for utilities, water, electric, and natural gas coming off of Cooper. Your survey that is proposed dated December 3rd of this past year, of 2020, depicts the proposed driveway easement utility easement hugging that southern border, straight shot to the back, and with this we have a parking spur indicated, we have a nice parking area out back, and we ultimately use little property, keeping this driveway as far away from the buildings for safety measures as possible. With the future of the back buildout, we would increase parking and alleviate some of the hazardous parking conditions on Cooper Lane, which we will address later with a different Board, but that is a major concern. Traffic flow off of Cooper and keeping these occupants, our family, at 29 and 31, safe. So, I think it is a well thought out plan, a lot of thought went into this. When we develop these properties, we first work around access, parking, and then formulate a plan with what can go around them safely. Would there be any questions? Did I leave anything out?

Mr. Wessberg: Anyone have any questions for Mr. Slater?

Mr. Wainwright: Essentially you are treating two properties as one property, correct?

Mr. Slater: No, they are, well, we own both properties and they are two different tax maps, two different properties, they are separate, but the access point, of course, is our common driveway.

Mr. Wainwright: Okay.

Mr. Wessberg: Obron?

Ms. Farber: I do not have a problem with this.

Mr. Siska: No, I do not either, I think this actually looks really good, it seems to simplify access to both properties and gets everything along that southern edge and a straight shot back to number 29, so I think it looks pretty good.

Mr. Wessberg: John?

Mr. Tarbet: I see no problem with it.

Mr. Wessberg: I have to agree. I think Ricky did a good job, that is a tough road, and you are trying to get the parking on the parcel or both parcels, which I agree with, I really have no problem with this at all. I know there was a lot of thought put into this, and I would like to see the parking that is on Cooper Lane now, where people have been parking, you have made room for your cars so I commend you for that. With that being said, everybody in favor of this?

Mr. Wainwright: Yes.

Mr. Hajek: Ken?

Mr. Wessberg: Billy, you are popping in here go ahead.

Mr. Hajek: So, I did not have an opportunity to present the Board with a written report on the application, but I do believe it is going to require a variance because the Village Code requires 20 feet of frontage for any property. When the lots merged and were unmerged, the prior owner received a variance from the Zoning Board to allow for 15 feet of frontage with a 15-foot easement so reducing that to 12, increases the degree of nonconformity and would require relief by the Zoning Board. So, before the Planning Board could act, this would require relief by the Zoning Board. Secondly, we would be best served to have an opinion from the Fire Marshal to ensure that a 12-foot-wide common driveway is wide enough or acceptable for two lots. Those are my only two comments.

Mr. Wessberg: So, do you want me to put it back to the Zoning Board first before it comes back to us?

Mr. Hajek: You cannot act on this until they receive a variance from the Zoning Board. That is my understanding, that is what I think anyway.

Mr. Wessberg: Beth, what do you think?

Ms. Baldwin: Yes, I think they should go back to get their variance.

Mr. Wessberg: Okay, then come back to us?

Ms. Baldwin: Yes.

Mr. Wessberg: And we will get a letter from the Fire Marshal about the road. Everybody in agreement with that?

Mr. Siska: Yes.

Mr. Tarbet: Yes.

Mr. Wessberg: Rick, you have some work ahead of you.

Mr. Slater: Yes, with that said, I have a question. We will be before the Zoning Board on the placement of accessory structures, relocation, would I do that all in one big package?

Ms. Baldwin: You could, if you amend your, if you have an application in, I would amend it to include that additional request so when it goes to notice, it is included.

Mr. Slater: Very good. I am before the Suffolk County Board of Health right now, I am about to submit, and then I will apply for the variance all-inclusive of the easement change. I took note a couple of weeks ago on one of your meetings with an applicant who referred to the scale of the environment up on Further Lane and I kind of laughed. I wanted to invite them down to our Cooper Lane small postage stamp type properties or sized properties, and this is a real task to be able to maneuver safely in and out and get whatever, safely cars parked and traffic flow and it is very important. I thank you time, I thank you for your comments, I will put the package together and go before the Zoning Board, but I look forward to seeing you again relatively soon.

Mr. Wessberg: I appreciate your time. You should get together with Billy Hajek when you go forward with this, the Village Planner.

Mr. Slater: Thank all of you, have a good day.

4. **40 Middle Lane LLC – 40 Middle Lane and Elizabeth A.R. Frowein – 50 Middle Lane**

Mr. Wessberg: All right we should move forward for the lot line modification of 40 Middle Lane, correct, Pam?

Ms. Bennett: Is Jon Tarbet there?

Mr. John Tarbet: I have to recuse myself on this.

Ms. Baldwin: Yes.

Ms. Bennett: No, is Jonathan on line there?

Mr. Jonathan Tarbet: I am on line.

Mr. Hajek: Yes, he is.

Ms. Bennett: All right, good.

Mr. John Tarbet: Okay, goodbye.

Mr. Wessberg: Bye John. Okay, can we hear from Jon Tarbet Jr.

Mr. Jonathan Tarbet: Sure, so I am appearing before the Board on 40 and 50 Middle Lane, my clients own both those properties, one is vacant with a tennis court on it, the other is an improved property. If you had a chance to go out there, the improved property is sort of overbuilt to be honest, it is very congested and does not feel like an estate property because of all the preexisting development on the property. The goal here would be to transfer property from the vacant property, which would then give the improved property more space. The improved property is where my client lives or will be living, it is currently undergoing under renovations. It is a pretty straightforward, if you image it, it is a mirrored image of what exists now. So right now, you basically have a two-acre lot that is improved and a four-acre lot that is vacant; afterwards you would have a four-acre improved property and a two-acre vacant lot. We have applied to the Zoning Board because we will need a variance, the variance would be because the vacant lot, if we transfer the property, will become nonconforming to lot area, however, offsetting that is that the currently improved property, if this were to be approved, would become conforming to lot area so while it needs a variance, it is just basically a mirror image or flipping of what exists now. I think that pretty much explains the project. I do not know if there are questions on it.

Mr. Wessberg: Obron?

Ms. Farber: My only question is with regard to the fact that there are, between the two properties, three curb cuts. So, are you merging these into one property that would then have three curb cuts?

Mr. Jonathan Tabet: So, the existing improved property has a pretty nice driveway, it is two curb cuts, but it is a circular driveway, they were not planning to eliminate that existing driveway on the improved property. With regard to the vacant property, the one driveway would still exist there so it would continue to be, like you said, three curb cuts.

Mr. Wessberg: Would you take one out?

Mr. Jonathan Tabet: I would ask before, I would bring that back to the client, but I would love if the Board could just go up and look at the improved property and the layout of the two driveways, it is not two driveways, it is a circular driveway, it would really change how that property operates so I will bring it back to the client and maybe by the next meeting if the Board could just take one last look at it. I think it is a pretty safe, I do not think there is any danger issues there because there are no blind curves or elevation changes.

Ms. Farber: I did look at it but that is a pretty, that is a very narrow road, Middle Lane, is really narrow there and feels very rural so the fact that one home would have three curb cuts...

Mr. Siska: It does say on the survey that the one curb cut on the west side is being removed. So, I do not know if that is true or not?

Mr. Jonathan Tabet: Sorry, I am going back to the survey.

Mr. Hajek: If I could clarify, my understanding is that the improved parcel, post lot line modification, would have two curb, there are two right now and it would have two curb cuts. The Code would prohibit more than two curb cuts on any one road frontage and the newly created parcel, that is the only unclear question I have is whether that will have one or two curb cuts. I believe the easement, the existing scenic easement, restricts it one curb cut but it is not clear to me and that is something maybe the applicant could clarify.

Mr. Jonathan Tabet: Yes, that is a lot easier to deal with. The newly created unimproved property, which would only be two acres in size, would only have one curb cut. The four-acre property, which would have quite a lot of frontage, we

would like to continue to keep the driveway that has existed there for 20 years or so. It would be a shame to have to remove that driveway so we are not looking to create any new driveways, and we would be happy to say that the resulting two-acre lot would only have one curb cut.

Ms. Farber: Would have one but are you talking about one property?

Mr. Jonathan Tabet: Yes.

Ms. Farber: Forty and 50 are one property?

Mr. Jonathan Tabet: No, they are two separate properties.

Ms. Farber: Okay, so there is not the intention to sell or build on the smaller property, the undeveloped property.

Mr. Jonathan Tabet: There are no plans currently but it would, to be clear, would be a vacant, buildable lot, the two-acre property, as it is now. We are not looking to create any new building lots. There are currently two building lots, one is four acres and vacant, one is two acres and improved. We are simply looking to flip that so that the improved property is four acres and the vacant property is two acres. Both the vacant property is buildable and will continue to be buildable.

Mr. Wainwright: And the tennis court would remain?

Mr. Jonathan Tabet: Honestly the tennis court is in pretty bad shape, there is no proposal to remove it but, yes, it would actually remain. It may be that the owner, if it is approved, we may have to try to come in for a building permit to demo it and build a new one though, it is in pretty bad shape. It would just be a building permit; no variance would be requested.

Mr. Hajek: Jon, I think there was a, I recall when Lot 1 was subject to a lot line modification with the Krakoff property, they adjusted that property line, I did not have a lot of time to review this before today's meeting, but could you submit any easements or covenants that affect both properties and clarify if any of those are, I vaguely remember a large lot easement, I do not know if this would impact that or if or how any of the easements would be affected by this land swap. Yes, if you could submit it to the Board, that would be good. Generally speaking, it creates two rectangular shaped lots, it is an equal swap of land area, personally to me I do

not see any real issues, I do not think it usurps the subdivision regulations in any way.

Mr. Wessberg: So, do you want to leave this open until we get the paperwork that you are requesting, Billy?

Mr. Hajek: Yes. I believe the applicant's position is that he requires a variance too on this so they would have to get a variance before you could act on the application.

Mr. Jonathan Tabet: And we did submit to the Zoning Board, do you think it makes sense to go to the Zoning Board without the Planning Board's feedback or should we wait with your Board until we go there? It would probably help the Zoning Board to have feedback from this Board.

Mr. Hajek: Yes, I think so.

Ms. Baldwin: I think if the Board, the Planning Board right now is prepared to send comments, I think they could do that now, however, if the Board wanted to wait, if they feel like there is more information that needs to be gathered before they can make their comments or recommendations to the Zoning Board, they can wait as well.

Mr. Wessberg: I think we should wait for the paperwork to go back to us from Billy's requesting and maybe go to the Zoning Board first. Can we do that?

Ms. Baldwin: I do not know if his, Jon, have you been scheduled yet, or Pam, do you know?

Ms. Bennett: I do not think it is, I do not know if it will be in the next batch.

Ms. Baldwin: So, we might have another Planning Board meeting before he is scheduled. If you get the information at the next meeting, you may be able to send comments at that point even if it is before your Zoning Board meeting.

Mr. Jonathan Tabet: Yes, I think it makes sense.

Mr. Wessberg: Everybody in favor of that? Bruce?

Mr. Siska: I guess we should have clarification if that third curb cut is going to remain or not on the larger property seeing as you are only allowed two.

Mr. Jonathan Tabet: There are only two curbs, now it is a smaller property, so I guess we should make sure we are on the same page. What is currently the smaller property and will become the larger property, has two curb cuts. We are not proposing to change those at all. On the vacant property, there is actually a curb cut now but there would only be one curb cut on the vacant property so there would be three total on two properties.

Mr. Siska: So, the one on the, I do not know which map to refer to, on the proposed map you are going to get rid of the existing one that is now on the vacant one.

Mr. Jonathan Tabet: Oh, correct, I see the confusion.

Mr. Wessberg: That is what I asked you at the beginning there about that was taken off.

Mr. Siska: So, the survey, the maps on the survey say it is going to be removed so I guess we will assume that that is going to get taken away.

Mr. Jonathan Tabet: Maybe it would be helpful if we change this survey to show a proposed driveway on the resulting vacant parcel that way you will see whatever we are proposing to have curb cuts.

Mr. Siska: Yes.

Mr. Jonathan Tabet: It makes sense.

Mr. Hajek: And I think the removal of the existing curb cut could be a condition of whatever the determination the Board makes.

Mr. Siska: And Billy, there is no problem blowing another curb cut through that scenic easement?

Mr. Hajek: My understanding is that the easement allows for a single driveway so it was factored into when they, my understanding is that scenic easement was a result of the Krakoff subdivision, subsequently been modified, so this would be the second or third modification of that subdivision.

Mr. Wessberg: So, we will leave this hearing open?

Ms. Baldwin: It will just come back for another, it is not a public hearing, but they can come back for another meeting. I am assuming the next one they would probably be put on.

Mr. Wessberg: Everybody okay with that?

Mr. Siska: Yes.

Mr. Wainwright: Yes.

Mr. Wessberg: Obron?

Ms. Farber: Yes.

Mr. Wessberg: Okay, so we will leave it open. Anything else we have to bring up today? I would like to have a motion to close the hearing, please.

Mr. Siska: I will make that motion.

Mr. Wessberg: Can I have a second?

Mr. Wainwright: Second.

Mr. Wessberg: Thank you everyone.

Note: With reference to **JABR LLC – 209 Further Lane**, the Board received a request from the applicant to adjourn the matter until the February 11, 2021 meeting.



FILED
VILLAGE OF EAST HAMPTON, NY
DATE: February 16, 2021
TIME: 11:00 a.m.