

Minutes
Planning Board
April 8, 2021
11:00 a.m.
via Video-Conferencing and
Published by Local TV, Inc.

Those present were:

J. Kenneth Wessberg, Chairman
Bruce A.T. Siska, Member
Obbron Farber, Member
D. Walker Wainwright, Member
Carrie Doyle, Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Brian DeSesa, Attorney on behalf of JABR LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. Wessberg: Good morning everyone. Today is April 8, 2021, East Hampton Village Planning Board meeting today.

1. **Elizabeth Baldwin Esq.**

Mr. Wessberg: Before I start my meeting, I would first like to thank Beth, I understand it is your last meeting today, you have really helped us out a lot with this Board, and I really appreciate what you have done.

Ms. Baldwin: Thank you.

Mr. Siska: Thanks Beth.

Mr. Wessberg: Good luck with where you are going, okay.

Ms. Baldwin: Thank you, I appreciate that.

Ms. Farber: Good luck Beth.

Ms. Baldwin: Thank you.

Mr. Wainwright: Good luck, yes.

2. Carrie Doyle

Mr. Wessberg: Next I would like to welcome Carrie Doyle to our Board, welcome aboard Carrie.

Ms. Doyle: Thank you, nice to be here.

3. Minutes

Mr. Wessberg: Did everybody have a chance to read over the minutes of March 11th?

Ms. Farber: Yes.

Mr. Siska: Yes.

Ms. Doyle: Yes.

Mr. Wessberg: I would like to have a motion.

Mr. Siska: I will make that motion to approve.

Mr. Wainwright: Yes.

Mr. Wessberg: All in favor?

Mr. Siska: Aye.

Ms. Doyle: Aye.

4. JABR LLC – 209 Further Lane

Mr. Wessberg: Pam, could we read what is on the agenda for this morning please.

Ms. Bennett: Just the one application which is JABR LLC at 209 Further Lane.

Mr. Wessberg: Is the applicant on the line?

Mr. DeSesa: Good morning Mr. Chairman, yes, Brian DeSesa, attorney for the applicant, 2462 Main Street, Suite 7, Bridgehampton, New York. We were here a few months ago and one of the items that we were requested was an Environmental Assessment Form to be filed. Just to refresh the Board's recollection, the property is located at 209 Further Lane in the Village of East Hampton. It is improved with a single-family dwelling and accessory structures, and we are here asking the Board to amend a decision that was made by the Planning Board on August 4, 1977. In that decision, there was a note with respect to driveway curb cuts and limiting to one curb cut on the northern portion of the property in that '77 decision. Since then, in approximately 1980 or '81, the best that we can determine based on aerials, a second curb cut was added to the subject property to make it a U-shaped driveway to go in or out, and since approximately '80, '81 several C. of O's have been updated on the property where that was a condition on the survey provided to the Village, the most recent being on May 10th of 2018, the last updated Certificate of Occupancy indicating the property being in substantial conformance. My client purchased at that time when we did get the updated C. of O. on behalf of the client and subsequent to that, the client sought to do some renovation/alteration work and it was discovered that there is this condition/note in the 1977 Planning decision. In the review of title, there is no covenants and restrictions, there is no easement that prohibits the two curb cuts. I did file a freedom of information to see in the last 15 years if there were any accidents on that street or on that corner, the point being if I were able to ascertain anything, my position is that it is not an unsafe condition based on that. The intersection is governed by stop signs at that area, there are clear lines of sight, and so I come before you on behalf of my client looking to make that amendment to something that was reviewed and thought out in 2018, thought we were purchasing with what was there, obtaining an updated C. of O., not having a knowledge that there was this reference in the '77 decision so I am asking the Board to amend the '77 decision to allow the existing driveways, as that condition exists today and since '81, to remain.

Mr. Wessberg: Okay, thank you. Anybody on the Board want to ask any questions?

Ms. Farber: I do.

Mr. Wessberg: Okay go ahead.

Ms. Farber: Billy wrote us a memo dated December 24th and there are a couple of points that he made that, it is the way I heard it but that do not coincide with what we just heard in summary from the attorney for the applicant so I wonder, Billy, if

you could clarify. Those two items are the date that your note says the second curb cut was installed which is in your memo says after August of 1994 and my other question is that the stop signs, with regard to safety, that your observation was not in concurrence with the attorney's statements just now. Am I wrong in those two concepts?

Mr. Hajek: My research concluded, Billy Hajek for the Village of East Hampton, my research concluded from looking at aerials and surveys that are on file is that the second, southerly curb cut appears to have been installed sometime after 1994. I believe I included at least the survey to my memo which did not depict a second curb cut on the southerly portion of the property, and while I have not pulled any of the accident data for the area, we can certainly do that if necessary if the Board would like to. I did sort of a test and I sat in my vehicle, pulling out of the southerly driveway, and the stop sign at Further Lane is not visible. So people are stopping, if you are obeying the law and you are stopping at the stop sign, you are actually accelerating through the intersection to make a right onto Cross Highway. To me it seemed to be less than ideal sight distance and conditions for, it seems like a logical requirement that the Board imposed in the 70's which said do not put a second driveway, or a driveway curb cut, near the intersection of Further Lane. I cannot speak to the C. of O.'s that have been issued, obviously that was an error on the part of the Village.

Ms. Farber: So because there was no covenant referring to that '77 condition at the time that the current owners purchased the house but at the end of your memo, you asserted something that Ms. Baldwin has brought to our attention in the past particularly in this neighborhood which is that the circumstances, whether they change or not, with regard to a Board changing a prior Planning Board's ruling but your memo says at the end that circumstances exist that warrant modifying a prior Board's decision, was that your conclusion?

Mr. DeSesa: That is my conclusion, yes.

Ms. Farber: Okay.

Ms. Baldwin: Were you asking Billy or the applicant?

Ms. Farber: I was asking Billy with reference...

Mr. DeSesa: Oh, I am sorry.

Mr. Hajek: My point is that the change of circumstances has been a bar that has been used by the Board in the past, and I am just reminding you that you should be sure that the applicant has demonstrated a change of circumstances.

Ms. Farber: Oh, okay.

Mr. Hajek: To me that means the site conditions have changed or some element of the property or the surrounding area has changed which would warrant you deviating from a prior decision.

Ms. Farber: Right, okay.

Mr. Hajek: Whether or not a legal issue arises, that is beyond my scope.

Mr. Wessberg: Bruce?

Mr. Siska: Yes, I will just make a couple of comments. I sat at that intersection a couple of months ago as well when this was on our agenda. The intersection is a lot closer in person than it looks on the survey. So if you actually sit there and sort of walk around or interact with that intersection, it does feel a lot closer than what we see depicted on the Barylski survey. Also from the area, you can see the stop sign on Further Lane in the westbound lane, it is tucked quite a bit around the corner so if anybody heading westbound making a turn onto Cross Highway, there is very, very limited if no sight relationship there coming out of that driveway. So I mean that is just, those are my observations just from hanging out there on site. I do not know how anybody else feels about that but I do think that new curb cut is very close to that intersection.

Mr. Wessberg: And I have to agree with you. I spent some time down there and this determination was made, when Billy?

Mr. Hajek: 1977.

Mr. Wessberg: That was the reason that that was made at that time. I have to agree with Bruce, it is close, and if anybody else wants to chime in here.

Mr. Wainwright: I suspect the foliage was vastly different in '77. I find it very difficult now, I am with you and Bruce that the visuals are very challenging, but I suspect that the ruling in '77 was made at a time when the visuals were very different.

Ms. Farber: Also, that the Planning Board at that time was making decisions with great foresight from what I have been able to surmise is that they were looking not only at safety then which back in '77 was entirely minimal compared to today's issues but really just also trying to preserve the character of the community. That foresight I really admire and I do not, I think both in terms of the foliage and the traffic, it was quite minimal in '77 compared to now but it is really unfortunate that for the people who bought the property that there was no covenant referred to in the deed transfer at the time that they did. That is unfortunate for them but maybe there is compromise with regard to foliage and sight that would, under the circumstances because they were not aware of that determination, maybe there could be a compromise.

Mr. DeSesa: I would like to provide some traffic information, it seems like that being the concern that I am hearing from the Board so if I could provide the Board with a traffic engineer, not my opinion as an attorney, but on behalf of the applicant, the sight line report or something along those lines in terms of scientific or technical data that the Board can base its decision on.

Mr. Wessberg: You are willing to do that?

Mr. DeSesa: I am sir, yes.

Mr. Wessberg: Okay. Carrie, do you have any questions?

Ms. Doyle: I do not have any questions, I drive there a lot, I feel like people are pretty trepidatious at that stop sign that has been there now. Everybody sort of pauses who goes first so I do not see people whipping around that corner. I happen to like the two curb cuts because I feel like it gets the landscaper's trucks off the road so the bikers do not have to swerve around those giant landscaping trucks so that is my opinion on those curb cuts.

Mr. Wessberg: I think we should leave it open and you can come back with the traffic study. Is everybody in agreement with that?

Mr. Wainwright: Yes. I do have one question. Am I mistaken in believing that the property owners own up to the edge of the road on Further Lane?

Mr. DeSesa: Not up to the road, there is some Village property landward, closer to Further so there is right-of-way that the Village has in that area.

Mr. Hajek: The improvements just cut through the corner of the property on the southwesterly corner in that intersection, there is a couple of feet, it is about four or five feet of pavement that extends onto the property. Other than that, there is a narrow right-of-way.

Mr. Wessberg: Okay, so the applicant is in favor of doing a traffic study?

Mr. DeSesa: We will do [inaudible] that intersection, cleaned up and provide information for you.

Mr. Wessberg: Okay so we will leave the hearing open. Bruce, everybody in agreement with this?

Mr. Siska: Yes, that sounds good.

Ms. Doyle: Sure.

Mr. Wessberg: Walker?

Mr. Wainwright: Good.

Mr. Wessberg: Okay. Obron?

Ms. Farber: Yes.

Mr. Wessberg: That is it for what is on the agenda today, right Pam?

Ms. Bennett: Yes.

Mr. DeSesa: Thank you very much.

Mr. Wessberg: Thank you. So I will have a motion to adjourn the meeting?

Mr. Siska: I will make that motion.

Mr. Wessberg: Second? All in favor?

Ms. Farber: Aye.

Ms. Doyle: Aye.

Mr. Wessberg: All right, thank you very much.

Ms. Baldwin: Thank you everyone.

Mr. Siska: Thank you. Good luck Beth.

Ms. Baldwin: Thanks.

Mr. Wessberg: Good luck Beth.

Ms. Baldwin: I am sure I will be seeing you.

The meeting was adjourned at 11:15 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 6/10/21
TIME: 11:30 AM

Pamela J Bennett