

Planning Board  
October 14, 2021  
11:00 a.m.  
via Video-Conferencing and  
Published by Local TV, Inc.

Those present were:

Robert D. Caruso, Chairman  
D. Walker Wainwright, Member  
Gusty Folks, Member  
David Driscoll, Member  
Vincent Messina, Village Attorney  
Lisa Perillo, Village Attorney  
Timothy Hill, Village Attorney  
Billy Hajek, Village Planner  
Thomas Preiato, Village Building Inspector  
Britton Bistran, Agent on behalf of 72 James Lane, LLC and  
70 James Lane, LLC  
Jody Gambino, LTV Moderator  
Pamela J. Bennett, Village Clerk

1. **Minutes**

Mr. Caruso: Good morning everyone. I call to order the Planning Board for Thursday, October 14, 2021. The first item on the agenda are the minutes of August 12, 2021. Are there any questions or corrections? If not, I would like a motion to approve.

Mr. Wainwright: So moved.

Mr. Caruso: Thank you. And do I have a second? All in favor?

Mr. Driscoll: Aye.

Mr. Caruso: Thank you.

2. 72 James Lane, LLC – 72 James Lane and  
70 James Lane, LLC – 70 James Lane

Mr. Caruso: The next item is the lot line modification at 72 and 70 James Lane LLC. Is the applicant present?

Ms. Bistran: Yes, Chairman, I am here, Britton Bistran representing the application.

Mr. Caruso: Good morning, Britton. Can you describe it briefly for us?

Ms. Bistran: Sure. This is a proposal between 70 and 72 James Lane, it is basically to undo a lot line modification that was done in the 70's to facilitate an addition on the existing residence and that addition was never built. The purpose is literally to rectify it to make it a little bit more straight of a property line, we want to build in that area, and the projection into 72 impedes new construction a little bit and also you don't want to build a house next to another house with views to the Pond. And also, the last reason that we are seeking this is the Health Department approval was never sought for the lot line modification it was made so they want to go through a retroactive subdivision process which is a very lengthy process for something that the owners don't really desire. So, the purpose is really is to undo what was done and was unutilized. In discussions with Billy, just one point of reference, it had been initially slightly different square footage about 10 square feet and Billy very wisely said if we kept it the same then we would not need to seek a variance for lot area because we would not be changing it. So that is the small modification you saw a couple of weeks ago.

Mr. Caruso: Thank you, Britton. Billy Hajek, can you just briefly describe the process here and what you have come up with.

Mr. Hajek: Good morning, Chairman, Members of the Board. As Britton described, it is a fairly straight-forward lot line modification to undo something that was done 20 years ago. The process is, the Planning Board, I mean it is reviewed as a subdivision, as a minor subdivision, as any lot line modification is, the Planning Board has the ability to waive the need for a public hearing if you choose to do so. Originally it was submitted as a project that would have adjusted the lot area of the two lots by roughly 10 square feet or 11 square feet and if they can readjust the boundaries of the

two properties so that there is no net loss or gain in either lot, then they could alleviate or obviate the need for a variance or an area variance. So, I don't know, Britton, did you submit the revised maps showing that?

Ms. Bistran: Yes, I believe on September 21<sup>st</sup>, it was delivered to the Village, the maps showing that there was no net change.

Mr. Hajek: Oh, okay. I have not seen that yet, I do not think I have received the map yet, or if I did, I did not look at it yet. It shows the wetland boundary too on it?

Ms. Bistran: Correct.

Mr. Hajek: Oh okay, I did not see that.

Ms. Bistran: I would be happy to, I mean it was submitted to Pam in the office; I can send you a PDF via email or I can drop off more copies, whatever you would like.

Mr. Hajek: No, I will get a copy of it.

Ms. Bennett: Let me look in the file first.

Mr. Hajek: Okay. I mean essentially it is a complete application. At this point as long as that map is submitted, it is complete. I am not sure if it is going to require referral to the Suffolk County Planning Commission. I have to look into that to see if it does require referral to the Planning Commission.

Mr. Caruso: So, before we can make a decision here, we will all have to receive a copy of this new updated survey?

Mr. Hajek: Yes.

Mr. Caruso: And, Britton, when was, excuse me, what was the date, are you saying September 24<sup>th</sup> when it was updated? What would be the date of the new updated survey?

Ms. Bistran: The map is dated September 17<sup>th</sup> and it was submitted to the office on the 21<sup>st</sup>.

Mr. Messina: I think we have it.

Ms. Bennett: Yes, everybody should have.

Mr. Messina: I only have it electronically, of course, I mean I have it, and Mr. Chairman, if you wish we can, again, assuming no one on the Board has objections we can certainly approve it subject to Suffolk County Planning Commission if necessary as well as Mr. Hajek's approval when he gets to examine it closely.

Mr. Caruso: That is perfect. So why do we not go ahead and follow that...

Ms. Folks: Robert, can I just inject one thought?

Mr. Caruso: Yes, please.

Ms. Folks: My only thought, and it is past experience, but with this flag lot, has anybody considered putting a C and R that actually allows both owners to participate in the maintenance and snow removal of that flag? I do not know whether or not it was done with the original subdivision but from past experience, what happens with this flag is that nobody takes ownership or at least one person starts to have to maintain snow removal and/or maintenance, and I would particularly like to inject that thought if it is possible at this stage.

Mr. Caruso: Thank you. Vincent, what is your view on this proposal?

Mr. Messina: I mean, again, we are just talking about a lot line adjustment, no creation of the flag lot.

Ms. Folks: Right.

Mr. Messina: But, Counselor, is your client willing to assume that responsibility or would you be willing to set forth the obligations in a document that we can record?

Ms. Bistran: I am not an attorney.

Mr. Messina: I apologize.

Ms. Bistran: I am not comfortable responding to that facet but we do have an attorney on this project that I could consult and get back to you. It is not, it is flag that serves one property that is burdened with an access and utility easement so the potential that it already exists in that document, I can send that over if it is not in the Village files and I could have, Denise Schoen is working on this so I could also have her submit something for the Board's file.

Mr. Messina: All right.

Ms. Bistran: I do not see why we would have a problem, it is the same owners, they plow and maintain the driveway as it is, I do not think they would have an issue making that contingent but I would at least like to ask the question and make sure that it does not already exist.

Mr. Messina: Okay, so then I guess the answer to the question would be that I will work with the applicant, their Counsel, their representative and we will try to include something that will address your concerns.

Ms. Folks: I appreciate that because in the long run of things, when property transfers, it is just inevitable that it comes up...

Mr. Messina: Yes, these folks may get along great but the next two might not.

Ms. Folks: Exactly.

Mr. Caruso: Right. So, we will then, from what I gather, we should table this until we have all the...

Mr. Messina: You can approve it all subject to.

Mr. Caruso: Okay, so we will do it subject to...

Mr. Messina: Mr. Hajek's review, my review, and any Suffolk County Planning Commission review that may be required.

Mr. Caruso: Okay, so with that wording then, why do we not take a vote on this, do I have a motion to approve?

Ms. Folks: I will make that motion, Robert.

Mr. Caruso: And do I have a second?

Mr. Wainwright: I will second.

Mr. Caruso: And all in favor?

Mr. Driscoll: Aye.

Ms. Folks: Aye.

Mr. Wainwright: Aye.

Mr. Caruso: Okay, that you all very much.

Ms. Bistran: Thank you.

Mr. Caruso: You are welcome. Pam, are there any other, any questions, or any other things the Board should consider at this point?

Ms. Bennett: Nothing else right now.

Mr. Caruso: Okay and then with that in mind, if there are no other questions or any corrections to anything we are doing, may I have a motion to adjourn.

Mr. Wainwright: Moved.

Mr. Caruso: Okay, may I have a second?

Ms. Folks: Second.

Mr. Caruso: All in favor?

Mr. Driscoll: Aye.

Ms. Folks: Aye.

Mr. Wainwright: Aye.

Mr. Caruso: Great, thank you all.

The meeting was adjourned at 11:10 a.m.

FILED  
VILLAGE OF EAST HAMPTON, NY  
DATE: 4/14/20  
TIME: 11:32 AM

*Vanula J. Bennett*