

MINUTES OF MEETING
Of THE PLANNING BOARD OF THE VILLAGE OF SAGAPONACK IN THE
TOWN OF SOUTHAMPTON, COUNTY OF SUFFOLK
AND STATE OF NEW YORK

A regular monthly meeting of the Planning Board of the Village of Sagaponack was held at 6:30 p.m. on Monday, December 17, 2007 at 20 Sagg Main Street, Sagaponack, N.Y.

The meeting was called to order by William Tillotson with a flag salute. Those members present were Joy Sieger, Donald Louchheim, Lee Foster, and Alfred Kelman. Also present were Village Clerk Rosemarie Cary Winchell, Village Attorney Anthony B. Tohill and Village Planner Rich Warren.

I. Subdivisions

A. Schwenk Family Limited Partnership

3491 Montauk Highway

908-4-1-26

Discussion of pre-application for subdivision application of a 41.385 acre Of land located on the south side of Montauk High

Mr. Bob Smith of Squires and Holden represented the applicant.

At this point in the meeting, Lee Foster explained that she and her husband lease **the land of the subject parcel for farming** from the applicant and asked counsel if she should recuse herself from this application. Mr. Tohill informed her that she should. At which point, Ms. Foster did recuse herself from this application.

Mr. Smith explained to the Board that his client under the code could have divided their parcel into 13 lots. However, they decided to a reduced density subdivision which yielded 9 lots. His client clustered the lots in the southeast corner of the parcel. He believes that by placing the lots in this way he can continue to make use of the long lot farming on the west side of the property and preserve the view.

Mr. Warren explained to the Board that the view from Montauk Highway is extremely important as it separates the communities as one travels on Montauk Highway. Our farmland vistas separate us from Bridgehampton and from Wainscott as one continues east. He explained that he reviewed the Village's Comprehensive Plan and the Subdivision regulations and both documents stress

the importance of the vista and open spaces. Rich Warren presented an alternate plan, which places the lots across the southern boundary of the parcel, he believes would better achieve preservation of open space and vistas. It has the same number of lots, same lot size and same amount of open space as Mr. Schwenk's design. He explained to the Board that the Board has the authority and ability to look at what they think is an appropriate design. However, he also told them that it is important to hear each applicant and their rationale for presenting the design they have proposed and why they think that meets the best objectives and standards of the Village Code. The Board would then have to weight out what they think is the most appropriate design for this particular application.

Mr. Warren explained that his design shows the common driveway essentially in the same area as the applicants however the lots would be orientated a little differently along the backside of the property.

Mr. Tillotson stated that he thought Mr. Schwenk's thought about a good long row length for row crops would be better. He also stated that, from a value standpoint, Mr. Warren's plan equalizes the lots in terms of size, shape and exposure and that perhaps the inside lots on Mr. Schwenk's proposal might not be of equal value for estate planning purposes.

Mr. Louchheim asked Mr. Tohill if Lee Foster could comment on the farming of long rows.

Mr. Tohill responded that as long as it is on the record that Ms. Foster has recused herself completely from the application and speaking she is simply speaking as an adjacent property owner who also has expertise in farming.

Ms. Foster then stated that the land is all prime farm soil, all flat and that there is very little land that would preclude one design or another for farming.

Mr. Schwenk stated that he placed the lots on the worst of the farm: i.e. the worst drainage, limited topography as it is in sort of a gully. He also stated he attempted to reduce the runoff problem from the field as the property runs downhill at his point towards Wainscott Pond as well as the erosion.

Mr. Tohill asked the Board whether they might consider a prevention inscription on the map that none of the soils excavated or construction of the road or any of the soils excavated for construction of the dog legs or any of the soils excavated on each of the individual lots or structures including swimming pools would be removed from the Schwenk land. Mr. Schwenk stated that he had already planned on doing that.

Mr. Warren suggested that he applicant stake the lot showing both proposed placement of the lots. The applicant agreed and was instructed to let the Village Clerk know when the stakes have been placed so that she could notify the Board.

Mr. Tohill asked that the applicant walk the Board through the 65% calculation as there was some question as to whether or not the areas that were included in the calculation either were improved with structures including the grounds that the structures would be located on or areas that were improved with drainage facilities or drainage easements.

Mr. Smith explained that there is a 65 x 75 drainage easement from the NYS Department of Transportation located just west of the proposed lot line for Lot # 1 on the south side of Montauk Highway. And that 2 out buildings which are located just east of the proposed property line for lot #1 in the proposed open space area. Mr. Smith stated that the applicant is willing to shorten up Lot #1 by 5000 sq ft which, in his estimation, would equal or more than cover the 2 structure and the easement.

Mr. Tohill explained that the Board was not looking to diminish or harm or adversely affect the plat. On the other hand, the Board is compelled to stay with the 65% amount on a pure basis.

Mr. Kelman asked Mr. Schwenk , all things being equal, would he object to the Village proposed plan.

Mr. Schwenk stated that the Village's proposed plan increases his neighbors' exposure to his subdivision by placing all the lots along the southern lot line. He stated that every lot would be exposed to the agricultural practices. In his plan, he only exposes 3 lots to the agricultural practices with the rest of the lots insulated from the agricultural land.

Ms. Sieger stated that she would be agreeable to whichever design preserves the view at the high spot on Montauk Highway.

Mr. Smith asked if the application was deemed complete at his point. Mr. Tohill stated that there would have to be a new open space calculation done by the application as a result of the easement and structures.

This application will be continued until the January Planning Board meeting at 6:00pm at 20 Sagg Main Street.

B. Swan Creek Farms, Inc.

Corner of Gibson Lane and Sagg Main Street

908-9-1-9,10,11,12,13

Consideration of a lot line modification for five individual parcels of land
Totaling 8.0168 acres located on the corner of Gibson Lane and Sagg
Main Street

Mr. Miles Anderson, Esq. represented the applicant.

Mr. Anderson stated that his clients were asking to readjust the property lines for the 5 parcels of land located at the corner of Gibson Lane and Sagg Main Street/Cemetery Road. He also stated that their request was merely for estate purposes.

Lee Foster asked Tony Tohill if she need to recuse herself from this application as she owned property to the north of these parcels. Mr. Tohill stated that she did not.

Mr. Anderson explained that his clients would like to increase the size of Parcel A which is located in the north west corner of the 5 lots from 22,204 sq ft to 34,860 sq ft by incorporating the north east corner of Parcel B which lies to the south of parcel A into Parcel A. Then, reconfigure Parcel B incorporating land from Parcel C. Also, in reconfiguring Parcel B, the road access to flag lot Parcel D which lies to the east of B would be moved to the south 78.5 feet. They would also like to reconfigure Parcel C & E as Parcel E lies in the middle of Parcel C. They would like to increase the size of Parcel E and move it to the east of Parcel C so that both Parcel C and E are more uniform. The last modification they would like to do is to convey 10,000 sq ft of Parcel C which lies to the north east of this parcel to W. Topping (the adjacent property owner) thereby creating parcel F.

Don Louchheim stated that the primary vista for that area is from Daniels Lane looking southwest. Miles stated that he vista goes from Sagg Main Street looking southeast across those parcels.

Rich Warren explained that in his opinion, the application, on the surface seemed minor. However, if the lots were configured as Mr. Anderson explained, there would be a buildable lot closer to the corner of Daniels and Gibson thereby possibly impinging on the vista from Sagg Main through to Gibson and beyond. He presented a sketch that he had prepared showing all the building envelopes concentrated in the southwest corner of the property and thereby leaving the areas in the south east open space.

Mr. Anderson explained that there is a desire for monetary equality between family members, meaning that if they take the plan that Mr. Warren presented, some of the lots may gain more than another would thereby losing the economic equality of the lots.

It was decided that Mr. Anderson would take the proposal that Mr. Warren sketched and present it to his clients for their input. Mr. Anderson asked the Board if they had any problems with the modification of the boundary lines with the parcels in the northeast corner (Parcel A, B and D) to which the Board replied that they did not.

Mr. Tohill cautioned that there was a technical problem in the Village of Sagaponack with the definition of subdivision and resubdivision in particular resubdivision is broader than is typical. Starting in 1992 the term resubdivision included a lot line rearrangement provided that the lot lines were being rearranged on a filed plat. In the Village of Sagaponack unlike a traditional definition of resubdivision equaling subdivision the code includes described property. It would actually include this. Mr. Tohill explained that he was raising this only because it is a technical point.

Mr. Anderson said that his main concern in that regard would be whether the Board feels that they should be going to the health department. Mr. Tohill and Mr. Warren both responded that the applicant does.

Mr., Louchheim stated that one of the economic equalizers assuming that the applicant liked the plan of Mr. Warren's this conservation easement proposed could be donated before the lot line modification so there would at least be that economic benefit to that property owner.

Mr. Miles stated that it is not in any of his applicant's contemplation at this point.

The following resolution was offered by Lee Foster and seconded by William Tillotson:

Resolved that the Planning Board meeting of December 17, 2007 is adjourned to 6:00pm on Wednesday, January 23, 2008 at the Village Hall and it is further resolved that if as in when the Planning Board should meet in a group consisting of a quorum or greater number between now and January 23, 2008 in order to examine stakes at the Schwenk Farm then and in such event the Planning Board Clerk shall comply with the Public Officer's Law by posting and delivery to the Southampton Press a notice not less then 72 hours prior to said inspection stating that the Planning Board will meet in order to make that inspection and it is further resolved that the Planning Board Clerk should during this week in writing notify each of the applicants who are present this evening including representatives as well as any other applicant who will be on the agenda on January 23, 2008 of the change of date from January 21 to January 22 to January 23.

The resolution was thereupon duly adopted upon the following roll call vote:

	Aye	Nay
William Tillotson	<u> x </u>	___
Joy Sieger	<u> x </u>	___
Donald Louchheim	<u> x </u>	___
Lee Foster	<u> x </u>	___
Alfred Kelman	<u> x </u>	___

A resolution was offered to adjourn the meeting by Mr. Tillotson and seconded by Mr. Louchheim and unanimously adopted.

Dated: _____

ROSEMARIE CARY WINCHELL
Village Clerk