

Southampton/Tuckahoe/Shinnecock Hills CAC Minutes Tuesday, April 2, 2013

CAC Mission Statement

Our charge is to represent the concerns of our communities to the Town Board and to provide input and recommendations

CAC Members in Attendance: Lyn Fitzgerald, Bonnie Goebert (Chair), Valerie Harte, Diane Sadowski, and Susan Van Olst.

Approval of Minutes: Susan made a motion to approve February 2013 minutes, seconded by Valerie, all in favor. (There was no meeting in March, 2013)

Discussion of Town Board Resolution 2013-338 (to Amend Chapter 270 Rental Properties in Order to Provide for Stricter Fines and Penalties): The chair distributed copies of this resolution for members to review. She further explained that it was the Supervisor's intent primarily to halt the repeat offenders who often have multiple rental properties, violate the rental property laws, and if they pay the fines, they consider it the cost of doing business and repeat the violation. Several members referenced Lyle Pike as a notable example of this flagrant disregard for rental laws.

While most members were in favor of the resolution, one member noted that the new law could be a double-edged sword. By going after flagrant offenders, some other people might get caught up in the new legislation without meaning to. The chair said that it was her understanding that this new law was intended to go after frequent offenders. The law will be discussed at a public hearing on April 9, 2013.

One felt that the rental violations might get worse once the hospital moved to the Stony Brook Campus in Shinnecock Hills. She said that around Stony Brook University in Stony Brook, over-crowding with students has become a real problem and home owners fear that the value of their property will ultimately be adversely affected.

After discussion, all were in favor of this legislation.

Discussion of Septic System Rebate and Incentive Program, Enacting Town Code Chapter 177: In discussion, this program was compared with the oil tank rebate program of several years ago which seemed to have worked well and was fairly legislated. Septic system and improvement was seen as especially important for properties near waterways.

Further discussion focused on where the money was coming from to provide the rebates. If the rebate fund is contributed to by developers, it was seen as antithetical to its intent since further development was seen as impacting negatively on the area's water quality. Moreover, it might eventuate in a conflict of interest if the Board knows that a developer will be kicking a large amount into the septic rebate program.

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After discussion, all were in favor of this program although we still have reservations about the source of its funding.

Discussion of amendment for more stringent standards for Change-of-Use (Councilman Chris Nuzzi's proposal): Councilman Nuzzi's proposed amendment would require applicants who want to change from one non-conforming use to another to meet more stringent standards than now exist. As it currently stands, if a property has existed in a non-conforming use and an owner seeks to change that use to another non-conforming use, the swap can be permitted by the ZBA as long as the new use is deemed "beneficial to the general neighborhood" and "subject to such reasonable conditions and safeguards as the board of appeals may stipulate." Instead, this proposed amendment would require Town Board action and input from the planning department to see if it's in accord with the Town's comprehensive plan. A public hearing would also be scheduled.

We feel that this is especially important in residential districts. In fact, one member felt that the amendment should go even further and not allow a swap at all. Once the non-conforming use leaves, the property should revert back to what's allowed in the original zoning. Others felt that if the non-conforming use was an equal swap (ie, ice cream shop to ice cream shop), it should be allowed; if it is ice cream shop to landscape business, for example, it should not be allowed.

After discussion, all were in favor of supporting this proposed amendment.

CR-39 Land Use Study: Bonnie said that she had recently seen Kyle Collins and asked about the status of this study. He said that the planning department was in the midst of trying to ascertain which draft had been the last one discussed and worked on by Freda Eisenberg, former Acting Director of the Planning Department. Specifically, he said that the CR-39 study was now being handled by Janice Scherer, Principal Planner, Department of Land Management, Long Range Division.

Bonnie contacted Janice and arranged a meeting to discuss the status of the study. On Friday, Apr 5, 2013, Bonnie met with Janice and presented what she believed was the "final draft" presented to our CAC in February, 2012. This final draft is dated December, 2011. Tom Neely, Executive Director, Southampton Transportation Commission, was also at that meeting and confirmed that December, 2011 was the "final draft" per his notes and recollection.

In fact, it was the findings and analysis presented in this "final draft" as reviewed by the CR-39 Land Study Advisory Committee, that formed the basis for Ms. Eisenberg's March 16, 2012 memo to the Southampton Town Board regarding an analysis of the "Tuckahoe Center Change of Zone Request" (pp. 11-14).

At the end of the April 5 meeting, Janice assured us that the draft would be ready for further review by the end of May, 2013. Bonnie and Tom asked to be kept in the loop and Janice said this would certainly be the case.

Discussion of Annexation of 229 Magee Street and 229 Bishop's Lane into the Village of Southampton: A public hearing will be held at the Town Hall on May 9, 2013 at 4 pm to discuss this annexation.

Our CAC has no problem with this proposed annexation assuming that the property in question will continue to pay taxes to the Tuckahoe School District.

Discussion of Southampton Fire District, Site Plan Application for a Firehouse: CAC members reviewed the application and the ZBA determination of January 17, 2013, wherein the ZBA reviewed its conduct of a "balancing of public interests" hearing and found that the applicant needed no relief with respect to its proposed height.

Specifically, to allow the height of a proposed fire house to be in excess of the allowable 32 feet, to 44 feet to the building ridge, and 60 feet to the top of a tower. The matter will next be considered by the Southampton Planning Board on April 11, 2013.

In discussion, members agreed that it was essentially the height of the tower that seemed frivolous. Bonnie agreed to prepare a letter to Clare Vail, Principal Planner, Southampton Department of Land Management, and Dennis Finnerty, Chair, Southampton Planning Board. The following was sent on April 12, 2013:

RE: Southampton Fire District, Site Plan - Application

We discussed this site plan at our most recent CAC meeting on April 2, 2013. All present agreed that while we certainly respect an architect's judgment on how staggered heights can mitigate against an otherwise "mass" image of a large structure, we view the "need" for a 60 foot tower as a bit of design folly, and hope that the Planning Board will rule against this aspect of the site plan.

Town Code 330-11 allows for the height of a proposed fire house to exceed the allowable 32 feet. We understand that the additional 12 feet to a building height of 44 feet may be necessary to house fire trucks on the first floor, and that "9 feet for public assembly" may be necessary for the second floor height.

But, as opposed to the ZBA ruling, we fail to see how it represents a "balancing of public interests" to rule in favor of a 60 foot tower (almost twice the height restriction). Please consider these rationales as reasons to deny a 60' tower:

- The actual need for hose drying that may have necessitated such a height is now obsolete.
- How is the height of his tower important to communicate with fire vehicles? In a cell phone, digitalized century how does height impact on communication?
- Likewise, how does height impact on "broadcast signals?" More elaboration on both of these points is necessary.
- "Use for ceremonial purposes such as displaying a clock." Really? This is an apt reason to exceed a height limitation by 2 times?
- Finally, it seems to us that the possibility of using this tower as a money-generating cellular facility may be the true under riding reason it is seen as "necessary."

Thank you for the opportunity to review these plans. If any of our comments occasion more explanation, please get in touch.

Sincerely,
Bonnie Goebert
Chair, Shinnecock Hills, Tuckahoe, Southampton CAC

Great East End Clean-Up on April 20-21: Bonnie said that she would register the CAC and get the equipment necessary for our CAC's participation in this event.

Bonnie, Susan and Lyn volunteered to participate and to clean-up. Other members were busy, out of town, or already involved in another East End Clean-up effort. After discussion, we designated Sebonac Inlet Road as where we would clean up.

(Note: On Sunday, April 21, from 12-2pm, Susan & Bob Van Olst, Lyn Fitzgerald and Bonnie Goebert represented our CAC at the Great East End Clean-up. After Sebonac Inlet Road, we went to the bottom of Barker's Island Road. Bob Van Olst brought 2 trunkloads (more than 6 full bags) of debris to the Major's Path dump.)

Other business:

Susan brought up the occasional difficulty of buying the green "Non-recyclable Waste Only" garbage bags and suggested that they be made available for sale at the Major's Path facility, as well as all hardware stores, not just village stores.

Places to plug in electric cars: As part of its sustainability program, perhaps the Town should consider locations where (for profit) electric cars can be charged. Town Hall as well as parking lots were mentioned as possible locations where stations could be placed to recharge electric cars.

Meeting adjourned at 8:30 pm.

Respectfully submitted by Bonnie Goebert, acting secretary.

cc: Supervisor Throne-Holst and Town Board members
Town Attorney

Kyle Collins, Town Planning & Development Administrator Tom Neely Town Clerk Tax Receiver Hon Mark Epley, Mayor, Village of Southampton Water Mill CAC, Sag Harbor CAC, North Sea CAC, Hampton Bays CAC Bob DeLuca, Group for the East End

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