

Appendix VIII: Planning Board Preliminary Approval Serenity Estates 13-lot subdivision application

Serenity Estates - SUBDIVISION
(Speonk)

ACTION: Preliminary Approval

Moved by: John Blaney
2nd by: James Zizzi
All seven (7) in favor

WHEREAS, a preliminary application for the subdivision map of **SERENTIY ESTATES** (fka BMB Properties) was received by the Planning Board on November 17, 2003; and

WHEREAS, said application consists of a Standard Development Map (yield plan) with 13 lots for a 15.19 acre tract of land and alternative Planned Residential Development Map (cluster plan) with 13 lots for a 15.19 acres tract of land with 3.80 acres (25%) of open space, situated in the CR-40 Zoning District, and situated in NYS designated Archaeologically Sensitive Area, located on the west side of North Phillips Avenue, approximately 1,250 feet southwest of Old Country Rd., Speonk (SCTM No. 900-350-3-85.1); and

WHEREAS, the requisite Standard Development Map (yield map) has been found to reasonably demonstrate a yield of thirteen (13) lots, conforming to underneath zoning and subdivision regulations; and

WHEREAS, the Planned Residential Development is the preferred plan of the Planning Board with thirteen (13) lots and 25% open space; and

WHEREAS, a public hearing was held on March 11, 2004 and closed with 10 days written comments period, and no comments were received during ten (10) days written comments period, however, all issues raised during the public hearing, including odor, contamination of the area, plume, traffic etc. were addressed in the SEQRA; and

WHEREAS, the Town Board adopted Eastport, Remsenburg, Speonk, and Westhampton Moratorium, on March 9, 2004 and effective on March 15, 2004, for six (6) months, and same was expired on September 15, 2004; and

WHEREAS, the action deadline was May 12, 2004 for the said project, and the Town Board adopted a Moratorium, which prevented the Planning Board from further proceeding, four days later on March 15, 2004, and time clock was **Tolled** with 58 days upon the expiration of Moratorium; and

WHEREAS, the project meets the criteria for classification as an Unlisted action, pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law and pursuant to Chapter 157 (Environmental Quality Review) of the Code of the Town of Southampton, and the Planning Board adopted Negative Declaration on February 5, 2004; and

WHEREAS, in the Planning Board meeting on November 4, 2004, a sketch plan was discussed showing the proposed development pattern and connectivity of proposed open spaces and roads, with two (2) tax parcels towards north and four (4) tax parcels towards south of the subject parcel; and

WHEREAS, the Planning Board reviewed the sketch plan and found that said road sketch plan is not feasible, therefore, said sketch plan does not require to be considered at this time, however, the Planning Board recommends to maintain connectivity of Open spaces towards north and south; and

WHEREAS, the Planning Board discussed that the park fee will be determined upon the status of the open space; the applicant does not need to pay park fee if the open space is deeded to the Town of Southampton, otherwise applicant is required to pay park fee for thirteen (13) lots; and

WHEREAS, the Planning Board recommends 25' wide non-disturbing and landscaping buffer along eastern property line on North Phillip Avenue; and

WHEREAS, the Department of Public Works, Engineering Office has responded to the Planning Board's referral by letter dated March 25, 2004, and Engineer Office did not recommend its approval and offered the following comments:

1. *"Lots 4,5,6,9, and 10 are located in low-laying areas/holes. Consideration should be given to having these area remain as natural drainage easement. If the low-laying areas are to be filled, then
 - a. A grading plan for these lots should be provided
 - b. A drainage study should be completed to assess the impact of filling the natural drainage areas.
 - c. A covenant should be filed on these lots advising of the extent of the fill placed on each lot.*
2. *Drainage calculation for entire site must be provided, showing catchment areas and drainage structures to accommodate run-off from the entire site, not just the road surface.*
3. *The buildings on the adjacent lot to the north of the subdivision should be shown on the plat.*
4. *The profile of the proposed road should include a scale grid and indicate the locations of all pools.*
5. *The attached erosion control measures should be noted on the plans. In addition, the plans should include any site-specific erosion control measures taken in regard to the construction entrance, restoration of the shoulders and sediment control." And*

WHEREAS, the Planning Board recommends that applicant is required to submit all information as recommended by the Town Engineer's referral dated March 25, 2004, from comments #2 through 5; and

WHEREAS, the Planning Board recommends that the applicant is required to submit site plan for lot #s 5, 6, 9, and 10, to the Planning Board for review before the issuance of Building Permit; and

WHEREAS, the Board of Commissioners, Eastport Fire District has responded to the Planning Board's referral by letter dated March 1, 2004, and offered the following comments:

"The Board of Fire Commissioners of the Eastport Fire District has reviewed the proposed fire hydrant location as indicated on the subdivision map of Serenity Estates and deems it to be acceptable."

WHEREAS, the Town Conservation Board has responded to the Planning Board's referral by letter dated March 10, 2004, and offered the following comments:

1. *"The proposed subdivision is located in close proximity to private residences where degreaser solvents have been discovered in the private wells. Identified contaminants include chloroform, carbon tetrachloride, trichloroethene, trichloride ethylene and tetrachloride ethylene, which are all classified as industrial hazardous waste. The extent of the contaminant plume has not been determined. Preliminary tests indicate that the subdivision is located atop the contaminant plume. Groundwater and soil samples from the subject parcel should be taken to determine the nature and concentration of the pollutants. The New York State Department of Environmental Conservation and the Suffolk County Department of Health Services should be contacted for direction on how to proceed."*
2. *Phase I and II investigations should be required, because of the existing contaminant plume, but also because of the nature of the previous use of the subject parcel, and the potential for soil and groundwater contamination.*
3. *The Conservation Board recommended the use of the PRD plan for development of this parcel as it preserves a significant amount of open space."*

WHEREAS, the Planning Board has already addressed all concerns of the Town Conservation Board through SEQRA, on February 5, 2004; and

WHEREAS, no comments are received from the Department of Public Safety and the Suffolk County Department of Health Services; and

NOW, THEREFORE, BE IT RESOLVED, that the **Preliminary Planned Residential Development Plan of Serenity Estates** consisting of 13 lot subdivision of a 15.19 acre tract of land with 3.80 acres of Open Space located at Speonk, prepared by John J. Raynor, P.E. & L.S., P.C. prepared on November 13, 2003, is hereby APPROVED WITH FOLLOWING CONDITIONS:

- (1) 25' non-disturbing and landscaping buffer along eastern property line on the North Phillip Avenue.
- (2) Park fee will be determined based upon the status of open space.
- (3) The applicant shall address the Town Engineer concerns including:
 - a. Submission of information as recommended by the Town Engineer's referral dated March 25, 2005, from comments #2 through #5; and

- b. Submission of site plan for lot #s 5, 6, 9, and 10, to the Planning Board for review before the issuance of Building Permit; and
- (4) The open space should be labeled on the final map for dedication to the Town, if offered by the developer/applicant.
- (5) A copy of Planned Residential Development Map approved by the Suffolk County Department of Health must be submitted with the final application.

Should you have any questions please do not hesitate to contact Aneela Ansar, Senior Planner, at the Department of Land Management, 631-287-5735

To: Wayne D. Bruyn (contact person)