



TOWN OF EAST HAMPTON

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SITE PLAN/SPECIAL PERMIT EVALUATION 92 South Euclid Avenue Site Plan SCTM#300-49-01-15 App#: 0520190041

Prepared by: Marco Wu, Planner *MW*

Date: February 4, 2020

1. APPLICATION INFORMATION

A. INFORMATION RECEIVED: Following Received (12/03/19):

- Site Plan/Special Permit Application;
- Land Survey dated 01/30/2019 prepared by George Walbridge Surveyors, P.C.;
- Site Plan dated 10/03/2019 prepared by Edward Armus, PE;
- Floor Plans and Elevations dated 8/15/2019 prepared by Jeffrey Sands Architect.

B. DATE SUBMITTED: December 3rd, 2019

C. OWNER: Michael O'Connell

D. APPLICANT/AGENT: Michael O'Connell, East End Land Planning Inc.

E. SCHOOL DISTRICT: Montauk

F. STREET NAME: 92 South Euclid Avenue

G. TYPE OF STREET: Town

H. ZONING DISTRICT: CB: Central Business

I. SEQRA - TYPE OF ACTION: Type II

J. INVOLVED AGENCIES: N/A

K. OTHER REVIEW: Suffolk County Department of Health Services,
Architecture Review Board, Office of Fire Prevention

2. DESCRIPTION OF PROJECT

A. PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE: Retail,
Apartment

B. EXISTING USE(S) AS CLASSIFIED BY TOWN CODE: Vacant

C. ARE THE EXISTING & PROPOSED USES PERMITTED OR
SPECIAL PERMITTED BY THE TOWN CODE? Retail: Permitted,

Apartment: Special Permit

- D. AREA OF PARCEL (SQUARE FEET):** 4,100 sq. ft.
- E. MOST RECENT CERTIFICATE OF OCCUPANCY:** None
- F. DESCRIPTION OF EXISTING STRUCTURES:** N/A
- G. DESCRIPTION OF PROPOSED STRUCTURES:** Commercial Building with Living Space; Dry retail store on the 1st floor (1,188) sq. ft., Apartment on the 2nd floor (1,188) sq. ft. and Storage area on the Basement of (960) sq. ft.
- H. EXISTING & PROPOSED LOT COVERAGE:**
Existing: 0%, Proposed: 37%
- I. EXISTING & PROPOSED TOTAL COVERAGE:**
Existing: 0%, Proposed: 71%
- J. HEIGHT OF PROPOSED STRUCTURES:** 35'
- K. NUMBER OF STORIES OF PROPOSED STRUCTURES:** Two (2)
- L. NUMBER OF EXISTING PARKING SPACES:** None (0)
- M. NUMBER OF PARKING SPACES REQUIRED:** Eight (8)
- N. TOTAL PARKING SPACES PROVIDED:** Seven (7)
- O. VARIANCES REQUIRED:** Yes, parking
- P. DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** See issues for discussion
- Q. DISTANCE TO PUBLIC WATER:** Roughly 50 ft.
- R. SOURCE OF WATER SUPPLY:** Public
- S. TYPE OF SANITARY SYSTEM:** Low-Nitrogen Septic
- T. ARE EXISTING & PROPOSED SANITARY SYSTEMS DEPICTED:**
Yes
- U. DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** See discussion
- V. NUMBER OF ACCESS POINTS:** Two (2)
- W. IS SIGHT DISTANCE ACCEPTABLE?** Yes
- X. IS THE PROPOSAL ADA COMPLIANT?** See discussion

3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)

- Lighting plan
- Landscape plan: small street trees in the front of parking are recommended
- Plan for sidewalks: pink tinted concrete or brick are recommended
- ADA compliance accessibility plan in rear entrance: ADA compliant walkway or ramps recommended for the rear entrance

4. SITE ANALYSIS:

- A. SOIL TYPE:** BhC: Bridgehampton silt loam, till substratum, 6-12 percent slopes; BgB: Bridgehampton silt loam, till substratum, 6-12 percent slopes.
- B. FLOOD HAZARD ZONE:** Zone X
- C. DESCRIPTION OF VEGETATION:** Mostly Clear some invasive species

- D. RANGE OF ELEVATIONS: (24.9) – (29.2)
- E. NATURE OF SLOPES: Gentle sloping
- F. TYPE OF WETLANDS WITHIN NRSP JURISDICTION: N/A
- G. SETBACK FROM ANY WETLAND OR WATER BODY: N/A
- H. ARE THERE TRAILS ON SITE? No
- I. DEPTH TO WATER TABLE: greater than 12’
- J. DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES? None have been identified
- K. AGRICULTURAL DATA STATEMENT REQUIRED:
- L. IS THE SITE CONTAINED WITHIN:

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

Other Background Information:

Site plan application has been made to construct a two-story, 1,188 sq. ft. commercial building with an 8’ x 27’ covered porch in the front and an 8’ x 15’ covered porch and two 8’ x 6’ decks in the back and a 1,188 sq. ft. second floor apartment. A basement with 960 sq. ft. storage space and a mechanical room is also proposed. The site is located on a vacant lot in downtown Montauk under Central Business zoning district.

History:

The Planning Board received a site application from landowner Michael O’Connell on March 2004. The proposal called for (1) wet retail and (1) dry retail use on the first floor, and a single apartment on the second floor. The application was removed from Planning Board work sessions more than once and is incomplete and still pending. The applicant should submit a letter withdrawing this application.

Issues for Discussion:

Site Plan Usage

A new application has been received from landowner Michael O’Connell, December 2019. The floor plans by the architect differ from the applicant’s narrative and site plan by listing the first floor as retail/office rather than only dry retail. The floor plans indicate a dividing wall, (2) separate bathrooms, (2) separate entrances, and (2) separate exits which suggest more than a single retail store. Clarification will be needed as to the intended number and types of uses on the first floor.

Special Permit Standards

The Site Plan proposes the construction of an apartment on the second floor above the proposed retail store(s). A Special Permit will be required for the apartment as per §255-11-10 – (Use Table) of the Town Code and it will need to comply with §255-5-50 Specific Standards– Apartments Within Commercial Structures. Copies of the general special permit standards and the standards specific to the apartment are attached. The apartment meets the floor area requirements, at least 450 sq. ft., and no more than 1,200 sq. ft., and has a separate entrance on the Southern side of the building. The apartment will require explicit written approval from the Town Fire Marshall.

Request: Setbacks

The applicant has requested that the Planning Board relax the side yard setback on the easterly side for the building from the 10' required under zoning to 3'. The Planning Board does not have the authority to relax the setbacks for principle structures. In a Central Business zoning district, the side yard setback requirement is 10', unless a building directly abuts another building. The parcel on the easterly side is vacant and since there is no existing or proposed building on this side, it appears that the applicant must meet the 10' setback requirement.

Parking

The Planning Department has noted the Site Plan does not provide all of the parking required under §255-11-45 of the Town Code. The proposal will require a total of eight (8) parking spaces, seven (7) for the retail space and one (1) for the apartment of which a minimum of one (1) space must be ADA accessible. The site plan only provides four (4) on-site parking spaces along the alleyway. Three additional spaces, including two (2) handicapped spaces, are proposed in the right of way of South Euclid Avenue.

It has been the Board's practice for downtown Montauk, that if a project can demonstrate that all of the required parking could be provided on site, but would be more aesthetically pleasing and in more keeping with a downtown area if located within the street right of way, that it would support variances from the parking requirement. It appears that the size of the building would need to be reduced in order to provide these additional spaces on-site. In the alternative, if it cannot be demonstrated that all of the parking can be located on the site, the applicant is obligated to purchase parking under the fees in lieu of parking legislation at a cost of \$15,000 per parking space.

If the project proceeds with parking in South Euclid Avenue, the site plan should demonstrate that the spaces are aligned with and coordinated with parking spaces approved within the right-of-way in site plans on adjoining parcels, Kazura and Beckman.

The site plan should be revised to indicate the 2' wide road widening easement that is required for parking spaces utilizing the alleyways in downtown Montauk as access. The alleyways are 20' in width and obtaining 2' wide road widening easements on both

sides allows for the creation of a 24' wide aisle as required in the zoning code for perpendicular parking.

Continuity: Sidewalk

Planning Department suggests that the proposed plan provide a sidewalk along South Euclid Avenue to keep a cohesive streetscape with neighboring properties. The use of pink tinted concrete has been recommended for the sidewalks to match with existing adjoining properties (Kazura, Beckman, & Town's Parking Lot) and to keep the downtown character as recommended by Downtown Montauk Central Business Study. The site plan should demonstrate that the sidewalk on this site will align with the other sidewalks on this side of the street.

Fire Marshall Comments: ADA

As mentioned previously, the applicant's Floor Plan suggests two (2) commercial tenancies on the first floor. Under those circumstances Chief Fire Marshall David Browne has noted that under NYS Building code, at least (60%) of all public entrances shall be accessible. There are currently four (4) entrances, two (2) located in the front which are accessible, and two (2) located in the back that are raised by stairs.

If there is one commercial tenant, three of the entrances must be ADA accessible. If there are two commercial tenants, (60%) of the entrances of each tenant, or all four entrances, must be ADA accessible. Under the reviewed plan, only two entrances will be accessible. As the back doors are accessed over stairs, a ramp appears to be required in order to gain ADA compliance. The plans should be revised to provide spot elevations along the rear handicapped access route and a calculation of the slope that complies with ADA standards.

Lighting

The applicant has noted a lighting plan will be submitted pending upon relaxed setback approval.

Landscaping

Planning Department recommends the planting of small street trees along South Euclid Avenue in keeping with the character of downtown Montauk and neighboring properties. A designated space and design for a dumpster is also missing. The applicant has noted a landscaping plan will be submitted after the size and location of the building are determined.

Architectural Review Board (ARB)

The elevation drawings call for a dark gray metal roof, gray industrial block siding, and the black aluminum and glass handrails. This architectural style is not in keeping with the character of downtown Montauk. Traditional style buildings were recently approved on parcels directly to the east and to the west.

Ultimately, the proposed project will require the approval of the ARB and an application should be submitted to this agency as soon as possible if the applicants have not already

done so. The Planning Board may wish to send comments to the ARB regarding the style of the building.

Sanitary System

The Sanitary Plan by Edward Armus, PE has depicted details of the proposed sanitary system of the project. The existing allowable sanitary flow in the property is 300 GPD and the site sanitary flow calculations indicate that the project will generate 299 GPD, based on 38 GPD for the basement storage, 36 GPD for the main floor dry retail and 225 GPD for the 2nd floor housing unit. A low nitrogen, alternative sanitary system is proposed.

Suffolk County Department of Health Services (SCDHS)

The proposed project will require approval from the SCDHS. The applicants are encouraged to submit an application to this agency as soon as possible if they have not already done so.

SEQRA

The project is a Type II Action pursuant to SEQRA and Chapter 128 of the Town Code. No further review under SEQRA is required.

Title of Plans

All plans submitted for this application, including but not limited to site plans, drainage plans, and landscaping and lighting plans, must be labeled with the title of the project. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

Conclusion

As proposed the project requires a side yard setback variance and will require that parking spaces be purchased under the fees in lieu of parking program or a variance. Consideration should be given to reducing the size of the building in order to negate the need for variances. If variances are sought, the Planning Board will not be able to deem the application complete until and unless the Zoning Board first grants the variances.

Planning Board Consensus

Should the applicant clarify whether there would be one tenant or two tenants using the first floor?

Additional comments: _____

Should the applicant address the lack of ADA access from the southern entrances?

Additional comments: _____

The Board should discuss whether the applicant should request a variance from the Zoning Board of Appeals or reduce the size of their principal building to meet setbacks.

Additional comments: _____

Should the applicant demonstrate that the required amount of parking can be situated on-site?

Additional comments: _____

Should the applicant's plan be revised to indicate a 2' wide road widening easement required for parking spaces utilizing the alleyway?

Additional comments: _____

Should the applicant's plan provide sidewalks that match and align with adjoining properties as recommended by Downtown Montauk Central Business Study?

Additional comments: _____

Additional Board Comments:



1" = 42.88 feet



THE TOWN OF EAST HAMPTON

92 SOUTH EUCLID AVENUE

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Prepared by
THE TOWN OF EAST HAMPTON
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Date Prepared: February 5, 2020

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§255-5-40 General Standards (Special Permits)

No special permit shall be granted unless the issuing board shall specifically find and determine that:

- A. Nature of use. The use proposed will be in harmony with and promote the general purposes of this chapter as the same are set forth in § 255-1-11 hereof.
- B. Lot area. The lot area is sufficient, appropriate and adequate for the use, as well as reasonably anticipated operation and expansion thereof.
- C. Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district
- D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
- E. Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater recreational area or other place of public assembly.
- F. Use definition. The proposed use conforms to the Town Code definition of the special permit use where such definition exists or with the generally accepted definition of such use where no definition is included in the Code.
- G. Circulation. Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- H. Parking. There is room for creation of off-street parking and truck loading spaces at least in the number required by the applicable provisions of this chapter, but in any case adequate for the actual anticipated number of occupants of the proposed use, whether employees, patrons and visitors; and, further, that the layout of the spaces and related facilities can be made convenient and conducive to safe operation.
- I. Buffering and screening. Adequate buffer yards and screening can and will be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

J. Runoff and waste. Adequate provision can and will be made for the collection and disposal of stormwater runoff, sewage, refuse and other liquid, solid or gaseous waste which the proposed use will generate.

K. Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes and without significant negative impact to groundwater and surface waters on and off the site.

L. Compliance with other laws. The proposed use can and will comply with all provisions of this chapter and of the Code, including Chapters 180 and 185 thereof, which are applicable to it, and can meet every other applicable federal, state, county and local law, ordinance, rule or regulation.

M. Conformity with other standards. The proposed use can and will meet all of the general standards for special permit uses in particular districts set forth in § 255-5-45 and also meets all of the specific standards and incorporates all of the specific safeguards required of the particular use, if any, by § 255-5-50

APARTMENTS WITHIN COMMERCIAL STRUCTURES
[Amended 10-7-2005 by L.L. No. 31-2005]

(1) All dwelling units created shall be for the use of and available to moderate-income families, who are certified as such on an annual basis by the Office of Housing and Community Development, or other certifying agency as determined by the Town of East Hampton. Owner shall submit a copy of the lease and supporting documentation to the Office of Housing and Development on an annual basis and prior to renting the apartment to a new occupant. The Office of Housing and Community Development shall collect an application fee for each annual renewal and for each new occupant, as set from time to time by the Town Board, and shall certify that the proposed tenant(s), any other occupant(s), and the rental agreement meet the income and rental eligibility requirements set forth in this chapter.

(2) The explicit written approval of the Town Fire Marshal shall be obtained for the design, location, access and other safety-related elements of every such apartment. No apartment shall be permitted within any establishment or type of establishment that the Fire Marshal determines to pose a greater-than-average built-in fire risk. Commercial buildings with one or more apartments shall be equipped with an automatic fire sprinkler system and the commercial occupancy shall be equipped with an automatic fire detection system that is connected to an annunciating device within the apartment.

(3) The habitable floor area of the apartment shall be at least 450 square feet, but in no case more than 1,200 square feet. The apartment shall be located either on the first or second floor of the building, but shall not be located in a basement or cellar, and the apartment shall contain all services for safe and convenient habitation, meeting the New York State Uniform Fire Prevention and Building Code and the Sanitary Code.

(4) There shall be no more than four apartments created or maintained in any single building. Notwithstanding the foregoing, for parcels situated within the Commercial Service or the Commercial Industrial Zoning Districts that adjoin residentially zoned property, there shall be no more than two apartments per acre and a maximum of four apartments created or maintained in any single building. In calculating the number of acres for purposes of this subsection, the Planning Board may consider the sum total acreage of adjoining single and separate parcels held in the same beneficial ownership. The Planning Board may then approve up to four apartments on any one parcel provided that the sum total of the number of apartments on the adjoining parcels does not exceed two apartments per acre. The Planning Board shall require the applicant to file appropriate legal instruments, subject to approval by the Town Attorney, to ensure that this overall limitation is not exceeded in the future.

(5) Each apartment or common hallway servicing two or more apartments shall have a separate and distinct appropriately fire-rated access to the outside of the building, from the other nonresidential access.

(6) Each apartment shall have at least one on-site parking space meeting the standards of this chapter, conveniently located for access to the apartment. The Planning Board may waive this requirement if it determines that there is sufficient parking on site or sufficient nearby on-street parking.

(7) Only the owner of the building in which it is proposed to locate the apartment(s) may apply for this special permit. The Planning Board shall require that such applicant execute such agreements, contracts, easements, covenants, deed restrictions or other legal instruments running in favor of the Town as, upon recommendation of the Town Attorney, the Board shall determine to be necessary to ensure that:

(a) The apartment is the domicile of all tenants therein and the tenant(s) or any other occupant(s) of the apartment do not own a residence;

(b) The apartment or any proprietary or other interest therein will not be sold to the tenant or any other party, except as part of a sale of the entire building in which the apartment is located;

(c) The rental charged for the apartment remains within previously agreed-upon minimum and maximum guidelines, and the apartment is made available for year-round rental but may also be available for seasonal rental to employees of the business operating within the same commercial structure;

(d) The apartment is properly constructed, maintained and used, and unapproved uses are excluded therefrom;

(e) The persons or class of persons for whom the apartment was designed and approved do in fact continue to occupy the apartment and benefit from the existence of the apartment for the lifetime thereof;

(f) Any other condition deemed reasonable and necessary to ensure the immediate and long-term success of the apartment in helping to meet identified housing needs in the community is complied with;

(g) Each apartment shall have a maximum of two bedrooms with a maximum of two beds and two occupants per bedroom; and

(h) Apartments shall be subject to inspection for compliance with the Town Code and the Building Code by the Fire Marshal, the Building Department, and the Office of Housing and Community Development and may also be subject to inspection upon reasonable notice by Code Enforcement as part of an investigation in response to a complaint.

(8) Site plan approval (Article VI) and architectural review approval (Article VII) shall be obtained prior to issuance of any building permit or certificate of occupancy, and no special permit shall be issued until a public hearing, which hearing may be combined with the required site plan review hearing, has been held by the Planning Board.

(9) The Planning Board shall consider the following as guidelines for design of apartments within commercial structures that are situated in either the Commercial Industrial or the Commercial Service Zoning Districts:

(a) If there is sufficient outdoor space available and it is appropriate, consideration should be given to incorporating outdoor common areas or private outdoor space for the apartments.

- (b) Installation of washing machines and dryers in each apartment unit.
- (c) Residential building entrances should be located as far away from commercial entrances as practicable.
- (d) Residential parking should be located separately from commercially designated parking spaces when practicable.
- (e) Screening in the form of fencing and landscaping should be provided to separate the residential and commercial uses on site, and additional screening should be provided when the subject property borders residentially zoned property.