



TOWN OF EAST HAMPTON

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Planning Department
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SITE PLAN INITIAL EVALUATION
TT's Beer Garden – Preliminary Site Plan
SCTM#300-6-3-9
466 West Lake Drive, Montauk

Prepared by Eric Schantz
Senior Planner

Date: April 29, 2020

1. APPLICATION INFORMATION

- A. INFORMATION RECEIVED:** Applicant submission, cover letter re: One (1) original and five (5) copies of the complete application form. Six (6) copies of plans prepared by Land Planning Services, dated January 30, 2020; Six (6) copies of the Walsh survey dated July 5, 2019;
- B. DATE SUBMITTED:** February 26, 2020
- C. OWNER:** Francarl Realty Corp.
- D. APPLICANT/AGENT:** TT's Montauk (now dba as BB's Montauk)/Land Planning Services
- E. SCHOOL DISTRICT:** Montauk
- F. STREET NAME:** 466 West Lake Drive
- G. TYPE OF STREET:** County
- H. ZONING DISTRICT:** WF: Waterfront, Harbor Protection Overlay District (HPOD)
- I. SEQRA - TYPE OF ACTION:** Type II
- J. INVOLVED AGENCIES:** N/A
- K. OTHER REVIEW:** Office of Fire Prevention

2. DESCRIPTION OF PROJECT

- A. PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE:** Restaurant
- B. EXISTING USE(S) AS CLASSIFIED BY TOWN CODE:** Restaurant
- C. ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE?** Special permit
- D. AREA OF PARCEL (SQUARE FEET):** 23,067 sq. ft.
- E. MOST RECENT CERTIFICATE OF OCCUPANCY:** 1/9/16 - C.O.

32268 - FRANCARL RLTY CORP - ONE- STORY, GROUP "R"
RESTAURANT HAVING A MAXIMUM INSIDE SEATING OF **47**
PERSONS; BRICK PATIO WITH AWING HAVING A MAXIMUM
OUTSIDE SEATING OF **27** PERSONS ALL ERECTED PRIOR TO
THE ADOPTION OF ZONING.

- F. **DESCRIPTION OF EXISTING STRUCTURES:** 1,815 sq. ft. one-story restaurant
 - G. **DESCRIPTION OF PROPOSED STRUCTURES:** "beer garden"
consisting of a seating area for six (6) picnic tables
 - H. **EXISTING & PROPOSED LOT COVERAGE:** Existing: 1,815 sq. ft.,
proposed: no change%
 - I. **EXISTING & PROPOSED TOTAL COVERAGE:** Existing: 22,228 sq.
ft., Proposed: no change%
 - J. **HEIGHT OF PROPOSED STRUCTURES:** N/A
 - K. **NUMBER OF STORIES OF PROPOSED STRUCTURES:** N/A
 - L. **NUMBER OF EXISTING PARKING SPACES:** ~17
 - M. **NUMBER OF PARKING SPACES REQUIRED:** see issues for
discussion below
 - N. **TOTAL PARKING SPACES PROVIDED:** ~17
 - O. **VARIANCES REQUIRED:** None appear to be needed
 - P. **DOES EXISTING & PROPOSED LIGHTING COMPLY WITH
BOARD POLICY?** See issues for discussion below
 - Q. **DISTANCE TO PUBLIC WATER:** @ West Lake Drive
 - R. **SOURCE OF WATER SUPPLY:** Public
 - S. **METHOD OF WASTE DISPOSAL:** Individual sanitary system
 - T. **DO SANITARY CALCULATIONS COMPLY WITH SCDHS
STANDARDS?** Information not provided
 - U. **NUMBER OF ACCESS POINTS:** 1
 - V. **IS SIGHT DISTANCE ACCEPTABLE?** No change
3. **SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST
ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)**
See issues for discussion below
4. **SITE ANALYSIS:**
- A. **SOIL TYPE:** P1A: Plymouth loamy sand, 0 - 3% slopes
 - B. **FLOOD HAZARD ZONE:** X, AE el. 7
 - C. **DESCRIPTION OF VEGETATION:** cleared
 - D. **RANGE OF ELEVATIONS:** Not provided
 - E. **NATURE OF SLOPES:** flat
 - F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Tidal
 - G. **SETBACK FROM ANY WETLAND OR WATER BODY:** Abuts Lake
Montauk
 - H. **ARE THERE TRAILS ON SITE?** No
 - I. **DEPTH TO WATER TABLE:** Information not provided
 - J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL**

RESOURCES? None have been identified

K. 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	Yes
PEP CLPS list	No
Town Community Preservation Fund List	No
Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	HPOD



2018 aerial photograph of the subject parcel

Other Background Information:

Preliminary site plan application has been made to add a “beer garden” consisting of a seating area for six (6) picnic tables on an existing area of gravel approximately 40’ x 40’, or 1,600 sq. ft., at a site containing a restaurant adjacent to Lake Montauk.

The property is zoned WF: Waterfront and is within the Harbor Protection Overlay District (HPOD). It is 100% cleared of naturally occurring vegetation and contains a 77-seat restaurant (maximum of 47 indoor seats, 27 outdoor seats) which pre-dates the adoption of zoning, as per the most recent certificate of occupancy and as established by a Building Inspector determination requested by an agent for the owners in 2016. The

parcel also contains a bulkhead and wood dock with an undetermined number of boat slips (appears to be 11).

As per Building Department records, the parcel is merged with SCTM#300-6-3-5, 10, 11 & 12 (7 Wells Avenue, 462 West Lake Drive, 458 West Lake Drive, 456 West Lake Drive) which include three (3) parcels which constitute the Viking Fleet and one (1) across West Lake Drive which contains a motel, as per a previous site plan approval.



2016 aerial photograph of the surrounding area and merged parcels

Issues for Discussion:

Nature of Use

The project description in the application form is not very detailed. The applicants should clarify what the intended nature of use is for the “beer garden”. Specifically, will this constitute simply a seating area for 6 picnic tables, or will it also include standing area? Will there be table service? What are the hours of operation for the restaurant? Will there be outdoor live music or speakers?

Design

As a preliminary site plan application, detailed plans are not required. However, the submitted sketch does not detail the design of the beer garden but merely draws a rectangle indicating the area for it. It is not known whether or not it will be fenced-in or require anything beyond picnic tables, such as new substrate, an awning, etc. The applicants should clarify this for the Board at this time.

Additionally, the proposed beer garden is located in an area that aerial photographs in the Town’s GIS system from 2010 and 2013 show were utilized for parking. The proposed location of the beer garden also appears to obstruct access to the dock and boat slips.

Seating

Under §255-11-88 of the Town Code, no more than 30% of the allowable indoor seating is permitted outdoors. The most recent certificate of occupancy, which is based off of a Building Inspector determination indicates an allowable seating of 47 indoor and 27 outdoor, or a total of 74 seats currently exists. The outdoor seating currently permitted represents 57% of the indoor seating. The applicant proposes to move an additional 30% of the 47 indoor seats, or 14 additional seats, to the proposed beer garden. The Board may wish to verify with the Building Inspector that this additional seating can be relocated outdoors.

The application form states that there would be 6 picnic tables of 6' X 5'. However, only 14 additional seats are proposed. It would seem that picnic tables of this size could fit at least 4 persons each, resulting in 24 additional seats, rather than just 14. The applicants should address this issue.

As noted above, it is not known whether or not the beer garden is designed to be an enclosed space, such as a fenced-in area. Should it be, Fire Codes will apply with regard to maximum occupancy. Open areas are not subject to such restrictions. The submitted sketch indicates a roughly 40' X 40' (1,600 sq. ft.) area for the beer garden. According to the 2015 International Fire Code, unconcentrated tables and chairs limit persons to 15 per square foot, resulting in a maximum allowable occupancy of this area of 106. If standing space (only), this number increases to 320.

It appears based upon the application form that 14 seats would be relocated from the interior to the exterior, and therefore no additional seating is proposed. The area of the proposed beer garden should be reduced to a size consistent with 14 seats or additional parking should be provided and the requirement for a low nitrogen I/A sanitary system may be triggered.

A seating chart must be provided upon formal application, both for all outdoor areas and the interior spaces for both seasonal and year round uses. This has been required as a matter of policy by the Planning Board but is also required by the Town Code in section 255-11-88.

Parking

The parcel contains roughly 17 on-site parking spaces although the spaces and access lanes are not designed to Code requirements. Parking is shared with the merged parcels of the Viking Fleet property and the motel across West Lake Drive.

The parking requirements for a restaurant are 1 per 3 seats (or persons of rated capacity) and 1 per employee. Under this calculation and the approved number of existing seats the parking requirement would be 26 plus 1 per each employee, making the existing amount of parking deficient and non-conforming. However, as per the previous site plan approval, parking is shared with the merged parcels that also provide parking for the Viking Fleet. Upon a formal application, parking calculations must be provided.

The most recent certificate of occupancy does not reference a marina use but the property contains boat slips along the wooden dock and bulkhead. The parking requirement for a marina is 1.25 spaces per slip plus 1 per employee. This should be factored into the parking calculation upon formal application.

Ground and Surface Water Protection

As noted above, the application indicates that no additional seating is proposed, which would therefore not trigger a mandatory sanitary system upgrade. More information is needed in order to verify this.

However, this property fronts on Lake Montauk and has a very shallow depth to groundwater (as indicated by the property's inclusion in the newly established Groundwater Protection District and Harbor Protection Overlay District). Based upon the Building Department records, the sanitary system appears to have been modified, if not fully replaced, in 2003.

The Town of East Hampton and Suffolk County currently have programs in place to provide grants for voluntary sanitary system upgrades. The applicants are strongly encouraged to pursue a sanitary upgrade for this property involving a low-nitrogen system. This is particularly important given the proximity to Lake Montauk and the presence of a 74 seat restaurant which under Suffolk County Department of Health Services (SCDHS) standards would generate 880 Gallons per day (74 restaurant seats X 10 GPD/seat = 740 GPD + 11 marina slips X 10 GPD/slip = 110. Total = 850 GPD) whereas 318 Gallons per day (GPD) would otherwise be the maximum allowable (23,067 sq. ft. / 43,560 X 600 GPD = 318 GPD). This is a high generated sanitary flow. A formal application should contain sanitary calculations for the generated sanitary flow of the other merged properties as well.

Although it is not fully clear what is proposed to constitute the beer garden, it does not appear that the additions would significantly contribute to any increased storm water run-off. However, there does not appear to be any such controls on the site currently. Due to the proximity to Lake Montauk, provisions for storm water run-off control should be required upon formal application.

It appears based upon the Building Department records that the bulkhead was last replaced in 1990. As with the sanitary system, the water quality of Lake Montauk could be substantially improved by a permeable reactive barrier (PRB). This would ideally be located along the bulkhead and would help filter nitrogen and other potential contaminants to surface water quality. Such contaminants travel through both groundwater (in the relatively short distance between either the existing or a new sanitary system) as well as storm water run-off. As with voluntary sanitary system upgrades, there are grants available from the Town for such upgrades.

Zoning Board of Appeals (ZBA)

According to the submitted sketch, the proposed beer garden area would basically be right up to the bulkhead along Lake Montauk. The Town Code exempts “water-dependent uses” from natural resources (tidal wetland) setbacks. However, the Code does not include restaurants under this definition:

“Section 255-4-43 D: Marinas and other uses in the Waterfront District. The wetland setbacks contained in § 255-4-30 hereof shall not apply to any structure on a lot in the Waterfront (WF) Use District or to any structure which is part of a lawfully existing marina or recreational marina in any district, provided that the structure is either water-dependent in that it is used for the servicing of boats, the unloading of fish, or the like, or for some other reason cannot feasibly be located landward of the otherwise applicable setback line.

Section 255-5-45 D: Waterfront District. All special permit uses in the Waterfront District (WF), other than ferry terminals, are deemed not to be water-related uses...”

Under §255-1-20 of the Town Code, patios and any other construction, whether containing an improved surface and whether or not intended for temporary or seasonal use is considered a structure and it appears that a seating area containing picnic tables would be considered a structures under the Town Code and therefore, a Natural Resources Special Permit (NRSP) and variance(s) would be required from the ZBA. The Board may wish to seek a determination from the Building Inspector when additional information concerning the proposed beer garden is provided.

Conclusion

In conclusion, the Board should consider the aforementioned issues and give the applicants direction as to what may be required upon submission of a formal application.

ES

Planning Board Consensus

Should a detailed narrative regarding the nature of the proposed use and operation of the beer garden be submitted upon a formal application?

Additional comments: _____

Should detailed information about the design of the proposed beer garden be submitted upon a formal application?

Additional comments: _____

Should a seating chart indicating indoor and outdoor seating be submitted upon a formal application?

Additional comments: _____

Should parking calculations, including all of the merged parcels, be submitted upon a formal application?

Additional comments: _____

Should the applicants involve an updated, low-nitrogen sanitary system in a formal application?

Additional comments: _____

Should a permeable reactive barrier be included in a formal application?

Additional comments: _____

Additional Board Comments:

300-6-3-10



300-6-3-6

300-6-3-7

300-6-3-8

300-6-3-9

300-6-3-10

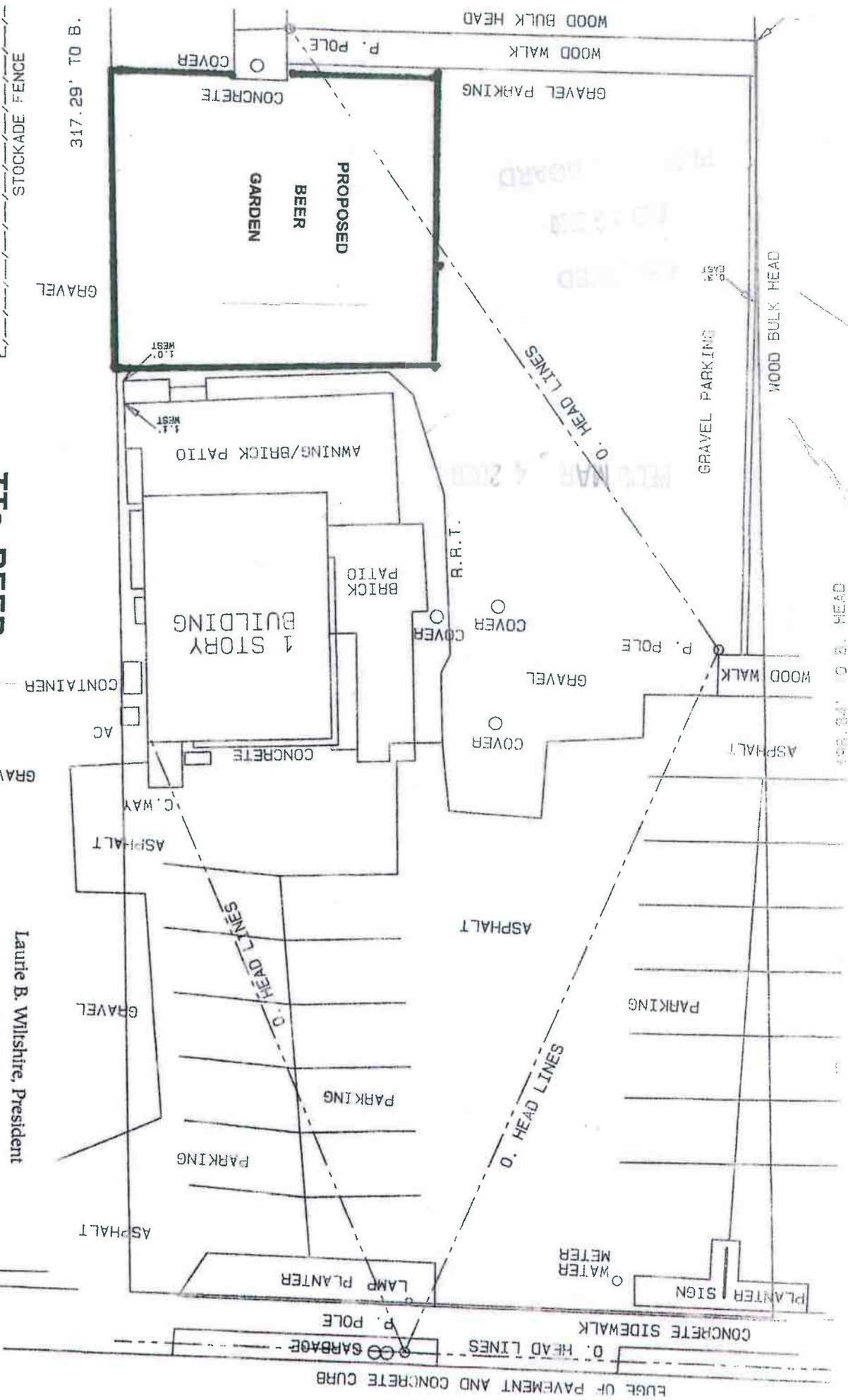
300-6-3-11

300-20-1-1

300-20-1-1

300-6-3-12

S51°15'00"E 349.67'



TTS BEER GARDEN

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