



TOWN OF EAST HAMPTON

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Planning Department
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Director

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March 5, 2018

To: Planning Board

From: JoAnne Pahwul, AICP
Assistant Planning Director

Re: Jackson Commercial Site Plan
SCTM#300-166-6-1

Last Review Date: September 6, 2018

Items and Date Received: Driveway Opening Plan C-1 prepared by Drew Bennett and dated December 10, 2018 was submitted on December 13, 2018.

Background Information:

The subject 31,433 sq. ft. parcel is located on Montauk Highway in a Neighborhood Business zoning district. A 9,174 sq. ft. building containing four retail stores was constructed in sections between 1970 and 1972. A separate 1,950 sq. ft. building was constructed at the back of the site in 1970. The buildings predate the requirement for site plan review. A site plan prepared by Morey & Hollenbeck, dated April 14, 1970, approved as part of Building Permit #8770 dated December 12, 1972, appears to be the last plan approved for the site.

An application has been submitted to create a second access on the subject site. This proposal is triggered by the closing of an access on the adjoining Hostway motel site that had been jointly utilized and is now being closed and relocated. The owner of the subject site was not able to demonstrate a legal right to continue to utilize the access on that parcel.

The site is pre-existing, nonconforming with regard to the number of spaces with 33 required by prior approvals where the site plan indicates 56 would be required under current zoning. The site plan initially submitted with the application depicted a revised parking layout that reduced the number of spaces from 33 to 29 triggering a requirement for a variance. Additionally, the site plan depicted parking spaces in the alleys on both sides of the building. By memorandum dated September 12, 2018, the Fire Marshal advised that both of these alleys were required to be kept open and free of parking.

However, there appeared to be sufficient space to provide all of the previously required 33 spaces in conforming locations as recommended by the Fire Marshal and so as to avoid the need for a variance.

Issues for Discussion:

Parking

The site plan has been revised to depict the 33 parking spaces required by prior approvals and to remove the spaces from the alleys as required by the Fire Marshal. The proposed spaces conform to zoning and largely reflect the parking plan approved in the 1972 building permit.

The parking calculations on the plan indicate that 9 of the existing 42 parking spaces are being lost as a result of opening the new access. This information is not accurate and is misleading. The site has approval for 33 parking spaces and the additional spaces that have been added since the last building permit and certificate of occupancy do not meet zoning and do not have approval and therefore are not recognized as legal spaces. The parking calculations should be corrected on the site plan to indicate the number of spaces required under current zoning and the existing and proposed spaces as the 33 that are required by prior approvals. It is recommended that submission of this revised plan be submitted prior to the public hearing or prior to the issuance of a building permit if no public hearing is required.

The layout of the 1972 parking layout is being modified to locate more of the 33 spaces to behind the building so as to accommodate two handicapped accessible spaces and the associated aisle, that were not part of the original approval, at the front. Additionally, angled parking is being created and a parking space needs to be relocated to provide for the necessary turning radius for the proposed new access. The two access points will each be one way.

NYSDOT Approval

A copy of the New York State Department of Transportation comments on the curb cut application or approval should be submitted to the file.

The site plan indicates that a business sign in the right of way of Montauk Highway in front of the site is to be relocated to another area of the right of way. At an earlier meeting in the field with the NYSDOT, the Town was advised that the sign was not permitted in the right of way. The applicant should provide an indication that the NYSDOT will approve this location or remove the sign from the site plan.

Minor Site Plan & Fees

The applicant has only submitted the fee for a minor site plan. If the Planning Board determines that opening of a new curb cut on Montauk is a minor site, the Board has the authority to waive a public hearing. The criteria for determining that the application is a minor site plan is as follows.

§255-6-45 Minor Site Plans

Notwithstanding the provisions of § 255-6-40 hereof, the Planning Board may waive the holding of a public hearing on a site plan application which is classified as a Tier Two personal wireless service facility application or which meets each and every one of the following conditions:

- A. Conformance to chapter. The proposed structure does not require a variance from any provision of this chapter.
- B. Health Department approval. The proposed structure does not require approval of the Suffolk County Department of Health Services.
- C. Area and habitability. The proposed structure is not habitable and covers no more than 500 square feet in area.
- D. Parking. No additional parking is required under this chapter.
- E. Planning considerations. The proposed structure will not create a visual detriment to surrounding properties or to the general public and will not cause drainage problems, impede traffic circulation or interfere with the proper overall planning of the site.
- F. Public controversy. The application has caused no significant public controversy.

If it is determined that the project is not classified as a minor site plan, the appropriate fees for a site plan should be submitted and a public hearing will be required.

Lighting

By Resolution- 2014-866 (Lighting Legislation Update 2014) adopted by the Town Board on July 3, 2014, replacement of all non-residential, non-compliant lighting with compliant lighting was required to be completed within three (3) years of the adoption date of local law.

At the last review, the applicant was advised that the lighting did not comply with the Town Code. In order to expedite the application, it was recommended that the applicant submit an administrative lighting permit as a condition of approval in lieu of including review of lighting in the subject application. Since this is a condition that will need to be met prior to obtaining either a building permit or a Certificate of Occupancy, it is recommended that the applicant pursue this approval.

SEQRA

The Planning Department has prepared the attached EAF Part II. No significant adverse environmental impacts have been identified and a negative declaration pursuant to SEQRA and Chapter 128 of the Town Code is recommended.

Summary

The number of parking spaces on the site, 33, is pre-existing, nonconforming. The applicant proposes to add a second curb cut to the site and two handicapped accessible spaces. The applicant has revised the plan to depict a plan that will maintain the 33 parking spaces while making these other changes. The application will be complete and ready to be scheduled for a public hearing after the additional application fees and comments from the NYSDOT regarding the curb cut are submitted.

Planning Board Consensus:

The Planning Board should discuss if the revised parking layout is acceptable.

Additional comments: _____

The Planning Board should consider whether the project should be classified as a minor site plan and whether the public hearing should be waived.

Additional comments: _____

The Planning Board should review the EAF Part II and make a SEQRA declaration.

Additional comments: _____

Additional Board Comments:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	X	
	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for shortterm, long-term and cumulative impacts.

The subject 31,433 sq. ft. parcel is located on Montauk Highway in a Neighborhood Business zoning district. A 9,174 sq. ft. building containing four retail stores was constructed in sections between 1970 and 1972. A separate 1,950 sq. ft. building was constructed at the back of the site in 1970. The buildings predate the requirement for site plan review. A site plan prepared by Morey & Hollenbeck, dated April 14, 1970, approved as part of Building Permit #8770 dated December 12, 1972 appears to be the last plan approved for the site. The last certificate of occupancy was issued in 1976.

An application has been submitted to create a second access on the subject site. This proposal is triggered by the closing of an access on the adjoining Hostway motel site that had been jointly utilized and is now being relocated. The owner of the subject site was not able to demonstrate a legal right to continue to utilize the access on that parcel. In addition to the new access, the parking layout will be revised in order to accommodate two handicapped accessible parking spaces and the associated aisle and to allow for an unimpeded turning radius for the proposed access. The site is pre-existing, nonconforming with regard to the number of spaces, with 33 required by prior approvals, and 33 proposed in the revised parking layout.

The curb cut is within the right of way of Montauk Highway, NYS Rt 27, and the New York State Department of Transportation will be responsible for issuing a permit for this.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

East Hampton Planning Board

March 13, 2019

Name of Lead Agency

Date

Sam Kramer

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Jaime Pacheco
Signature of Preparer (if different from Responsible Officer)