



# TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
JoAnne Pahwul, AICP  
Director

Telephone (631) 324-2178  
Fax (631) 324-1476

August 11, 2020

**TO:** Planning Board

**FROM:** Eric Schantz  
Senior Planner *ES* *JS*

**RE:** 51 South Edgemere, LLC – Site Plan  
SCTM# 300-52-1-1.2  
51 South Edgemere Street, Montauk

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**Last Review Date:** Public hearing held on April 13, 2020

**Items and Date Received:** N/A

**Background Information:** Site plan application has been made to make interior renovations to a motel and restaurant, changes to the roof and facade (including the dormers and the addition of solar panels) of the motel and restaurant buildings, the demolition of an exterior bar and staircase and reconfiguration of the entranceway to the restaurant, and to remove a concrete patio and platform adjacent to Fort Pond. Also proposed is the addition of outdoor showers on the first and second floor of the motel building.

The property is currently improved with a two story, sixteen (16) unit motel and two story, two hundred (200) seat restaurant along with parking, landscaping and associated accessory structures. It is zoned B: Residence and is within the Harbor Protection Overlay District (HPOD). Both uses are prohibited in this zoning district but both are legally pre-existing, non-conforming. The parcel is nearly 100% cleared of naturally-occurring vegetation and is situated on Fort Pond just north of downtown Montauk.

Pursuant to SEQRA and Chapter 128 of the Town Code the proposed project is a Type II action.

## Issues for Discussion:

### Public Hearing

A public hearing was held electronically by video and teleconferencing, televised on Local TV (LTV) Channel 22, and made available for livestream on the LTV website

(LTVEH.org) on April 13, 2020. The public was not permitted to appear in person but could comment by telephone. A transcript of the hearing was posted to the Town's website after the hearing on May 18, 2020 and the public comment period was closed on May 25, 2020. No members of the public spoke at the hearing and no written letters have been submitted to the file to date.

### **Floor Plans**

As part of the proposed project, the 4,995 sq. ft. interior of the first floor of the restaurant is proposed to be renovated and reconfigured. Part of this includes reducing the size of the kitchen and increasing the size of the seating areas, including adding an area identified as a "lounge". Additionally, a new walk-in refrigerator, food and wine storage areas and relocated employee restroom are proposed in the basement.

Concern was expressed by the Planning Department and Building Inspector among others upon further review of the floor plans that the reconfiguration of the first floor could lead to an expansion of the use, which is non-conforming as a commercial use in a residential zoning district. The applicants have stated, however, that the facility will not exceed the maximum allowable number of seats (200) already established by the current certificate of occupancy. Additionally, it does appear that with the inclusion of the proposed new ADA compliant restrooms that the total area for dining will decrease slightly (it appears the existing kitchen area is roughly 900 sq. ft. and the proposed new kitchen and bathroom will total roughly 1,000 sq. ft.).

The Planning Department was not able to obtain copies of floor plans for the basement under its existing configuration. As noted above, food storage and kitchen facilities are proposed to be located in the basement.

Based upon recent conversations with the Building Inspector, it does not appear that the proposed project represents an expansion of a non-conforming use if such expansion were determined solely based upon the total number of seats proposed, which is not to increase under the submitted seating chart. However, concern has been expressed over the fact that the bar area has increased in size and the area labeled "lounge" could be interpreted as an extension of the bar, potentially changing the use from a restaurant with an accessory bar to a bar with an accessory restaurant. The Board may wish to discuss this with the applicants and consider with Counsel specific conditions which may insure that this prohibited change of use will not occur.

### **Office of Fire Prevention**

By memorandum dated February 13, 2020, the Office of Fire Prevention stated that no further information would be required.

### **Town Engineer**

By memorandum dated October 10, 2019 the Town Engineer found all of the engineering elements satisfactory but noted that the Office of Fire Prevention had issues with ADA accessibility within the restaurant building. The Office of Fire Prevention has since signed-off on ADA accessibility.

**Zoning Board of Appeals (ZBA)**

The ZBA has granted the required administrative Natural Resources Special Permit (NRSP) for the minor exterior alterations.

**New York State Department of Environmental Conservation (NYSDEC)**

By permit dated November 7, 2019 the NYSDEC has granted the required freshwater wetland permit.

**Items to be approved**

- Survey/site plan prepared by James Walsh, LS, dated revised November 5, 2019
- Set of plans prepared by Architect Outfit, PLLC dated revised November 8, 2019 including: Cover Sheet (Z-001.00), Landscape Plan (A-002.00), Lighting Plan (A-003.00), Seating Chart (A-004.00), Construction Plan – Cellar (A-100.00), Construction Plan – 1st Floor (Restaurant) (A-101.00), Construction Plan – 1st Floor (Restaurant Entry)(A-102.00), Construction Plan – 1st Floor (Hotel) (A-103.00), Construction Plan – 2nd Floor (Staff Housing) (A-104.00), Construction Plan – 2nd Floor (A-105.00), Construction Plan – 2nd Floor (Hotel) (A-106.00), Existing Conditions – Exterior (A-200.00), Existing Exterior Elevations (A-201.00), Proposed Exterior Renderings (A-203.00), and Window Types and Details (A-601.00).
- Proposed Landscape Revegetation Plan prepared by James C. Grimes Land Design, Inc., dated revised December 5, 2019

**Conditions of Approval**

- The outdoor showers shall be connected to the existing wastewater disposal system.
- Roof run-off shall be directed to gutters and leaders connected to drywells, as depicted on the approved site plan.
- Seating shall not be permitted to exceed 200 with up to 48 of the 200 seats being permitted on the outdoor patio, as per the current certificate of occupancy.

**Conclusion**

In conclusion, if the Board agrees, then the application is ready for approval.

ES

**Planning Board Consensus**

*Is the application ready for approval?*

Additional comments: \_\_\_\_\_  
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**Additional Board Comments:**

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