



TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

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December 8, 2009

TO: Planning Board

FROM: Eric Schantz
Planner

RE: Dos Gatos Site Plan
SCTM# 300-49-4-45
Application # A0520090032

Last Review Date: November 4, 2009

Items and Date Received: 10 prints of Lighting Plan, dated revised 11/12/09.

Background Information: Site Plan application has been made to build a 2,696 sq ft. two-unit, one-story retail store on an 8,200 sq ft. parcel situated in downtown Montauk. The parcel is zoned CB: Central Business and is situated on S. Elmwood Ave. Retail is a permitted use within the CB zone. The building is proposed to have a basement which is labeled "mechanical/vacant". Each retail unit is proposed to have a roughly 990 sq ft. store area with a 91 sq ft. office/storage space and a 49 sq ft. bathroom.

The parcel is currently vacant and un-cleared of vegetation, which primarily consists of invasive species. The topography is generally flat. Depth to groundwater is roughly 16' and the FEMA flood zone is X.

Issues for Discussion:

Lighting

The applicants have submitted a revised lighting plan (dated revised 11/12/09) which has been amended as per the Planning Board's comments at the last review. Specifically, the post lights to the rear of the property have been changed to 26 Watt compact fluorescent. All lights have been placed upon timers with the exception of the side alleyway lights, which are proposed to be controlled by motion sensors. The Planning Department finds this plan acceptable.

SEQRA

The Planning Department has prepared and attached an EAF Part II. A negative declaration pursuant to SEQRA and Chapter 128 of the Town Code is recommended.

Conclusion

In conclusion, should the Board find the lighting plan acceptable; a SEQRA declaration should be made at this time. The application will be complete and ready to be scheduled for a public hearing once/if an approval for the required parking variance is obtained from the Zoning Board of Appeals.

ES

Planning Board Consensus

Is the lighting plan acceptable?

Additional comments: _____

Negative declaration?

Additional comments: _____

Additional Board Comments:

Note: This document shall not be considered official until and unless it has been signed by the responsible official of the lead agency.

**TOWN OF EAST HAMPTON
NEW YORK 11937
ENVIRONMENTAL ASSESSMENT FORM
PART II
(To be completed by Lead Agency)**

TOWN REVIEWING AGENCY: Planning Board

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PROJECT TITLE:	Dos Gatos	<input checked="" type="checkbox"/> SITE PLAN
STREET:	Montauk Highway	<input type="checkbox"/> SUBDIVISION WAIVER
SCHOOL DISTRICT:	Montauk	<input type="checkbox"/> SUBDIVISION
ZONING DISTRICT:	CB	<input type="checkbox"/> SPECIAL PERMIT
SUFFOLK COUNTY TAX MAP:	300-49-4-45	<input type="checkbox"/> ZONE CHANGE
		<input checked="" type="checkbox"/> VARIANCE
		<input type="checkbox"/> NATURAL RESOURCES SPECIAL PERMIT
		<input type="checkbox"/> OTHER

APPLICANT: Anthony Michaels

ADDRESS: 325 Broadway, Suite 404
New York, New York 10007

TELEPHONE: 212-577-2525

COMMENTS:

This proposed project is to build; a 2,696 sq ft. two-unit, one-story retail store on an 8,200 sq ft. parcel situated in downtown Montauk. The parcel is zoned CB: Central Business and is situated on S. Elmwood Ave. Retail is a permitted use within the CB zone. Each retail unit is proposed to have a roughly 990 sq ft. store area with a 91 sq ft. office/storage space and a 49 sq ft. bathroom.

The applicants propose to situate the retail building roughly in the center of the parcel, with a landscaped/lawn space as well as parking accessible via a Town alleyway to the north. The southern end of the parcel is to contain walkways and landscaping. Parking spaces are proposed within the Town right-of-way on South Elmwood Avenue, necessitating a variance for eight (8) parking spaces from the East Hampton Town Zoning Board of Appeals in order to be constructed.

The parcel is currently vacant and un-cleared of vegetation, which primarily consists of invasive species. The topography is generally flat. Depth to groundwater is roughly 16' and the FEMA flood zone is X.

This project is classified as an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code.

POSSIBLE IMPACT ON LAND

1. Will there be a significant adverse impact as a result of physical change to the project site?

Yes

No

No significant adverse impacts are anticipated. The proposed building conforms to all dimensional requirements and coverage restrictions of zoning under the Town Code and the proposed uses (two retail stores) are consistent with the permitted uses in the CB:

Central Business Zoning District. The Planning Board has reviewed a landscaping plan which will be required for site plan approval. The Board will ensure that this plan includes vegetation that is both consistent with what has been planted on adjacent properties and which has been designed in a manner that enhances the physical appearance of the site.

As discussed in greater detail below (see Question #14), the applicants propose to construct eight (8) parking spaces within the Town right-of-way. Under the Town Code, all required parking must be situated on the subject parcel itself. Therefore, this design will require the granting of a variance from the Town Zoning Board of Appeals.

2. Will there be a significant adverse impact to any unique or unusual landforms on the site?

Yes No

No unique or unusual landforms are present on the subject parcel.

POSSIBLE IMPACT ON WATER

3. Will there be a significant adverse impact to any water body designated as protected?

Yes No

No. There are no wetlands or water bodies within the proximity of the project site and as a result, no direct adverse impacts are expected.

4. Will there be a significant adverse impact to any non-protected existing or new body of water?

Yes No

No such water bodies exist within the vicinity of the site. No adverse impacts are expected.

5. Will there be a significant adverse impact to surface or groundwater quality?

Yes No

No adverse impacts are expected. Approval of the Suffolk County Department of Health Services (SCDHS) will be needed for the design and location of the sanitary system. The subject parcel, like all small lots in downtown Montauk, has been grandfathered at 300 GPD, which is higher than the yield of the property under current regulations. The provided sanitary calculations, which are based upon the SCDHS' commercial design flow standards, indicate that generated sanitary flow will be well below this allowable maximum.

6. Will there be a significant adverse impact as a result of altered drainage flow patterns or surface water runoff?

Yes No

No significant adverse impacts are anticipated. The Town Engineer has reviewed the submitted drainage calculations and proposed storm water control structures and has found them to be satisfactorily designed and located on the property. Additionally, the Town Superintendent of Highways will require that two storm water drywells be constructed flush with the curbing running along the border of the subject property and the parking spaces proposed within the Town right-of-way, should the necessary variances (for parking within the right-of-way) be granted.

POSSIBLE IMPACT ON AIR QUALITY

7. Will there be a significant adverse impact to air quality?

Yes No

A significant impact on air quality is not expected to result from this project.

POSSIBLE IMPACT ON PLANTS/ANIMALS

8. Will there be a significant adverse impact to any threatened or endangered species?

Yes No

No threatened or endangered species have been identified on site.

9. Will there be a significant adverse impact to non-threatened or non-endangered species?

Yes No

No adverse impacts are expected. The parcel is situated within a well-developed "downtown" area and is not immediately adjacent to any significant tracts of plant and/or animal habitat.

POSSIBLE IMPACT ON AGRICULTURAL LANDS

10. Will there be a significant adverse impact to agricultural land resources?

Yes No

No agricultural land resources have been identified on site. There are no future plans for agricultural use of the parcels in this area.

POSSIBLE IMPACT ON AESTHETIC RESOURCES

11. Will there be a significant adverse impact to aesthetic resources?

Yes No

No adverse impacts are expected. The project will require approval from the Architectural Review Board (ARB), which has already had a preliminary review of the proposed new retail building and has offered comments to the applicants in regard to the building's appearance and design. At the time of the initial submission, the Planning Board had sent referral to the ARB which specifically requested that this involved agency ensure that the architectural style and appearance of the new building be reviewed in the context of the existing buildings within this block of Montauk. This includes a number of already-built stores and offices as well as a few which have been approved by the Town and are awaiting construction. It does not appear at this time that the building will be significantly discordant with any other existing or approved buildings within the immediate vicinity.

POSSIBLE IMPACT ON HISTORIC RESOURCES

12. Will there be a significant adverse impact to any site or structure of historic, prehistoric or paleontological importance?

Yes No

None have been identified on or near the site.

POSSIBLE IMPACT ON OPEN SPACE AND RECREATION

13. Will there be a significant adverse impact to the quality and quantity of existing or future open space or recreational opportunities?

Yes No

This parcel has not been identified as having any existing or future open space or recreational opportunities.

POSSIBLE IMPACT ON TRANSPORTATION

14. Will there be a significant adverse impact to existing transportation systems?

Yes No

As mentioned above in Question #1, the project will require a variance to be granted by the Zoning Board of Appeals (ZBA) for the eight (8) parking spaces proposed within the Town right-of-way (South Elmwood Ave.).

The applicants have proposed a design which does not situate these parking spaces within the boundaries of their property, therefore requiring variances. However, this design mirrors that of the two parcels to the immediate west (both on S. Elmwood Ave.). The parcel immediately neighboring the subject parcel recently received variances for this design. The Planning Board, although concerned over the cumulative effect of the granting of similar variances on multiple

lots, supports the granting of the requested variances. This layout will promote consistency in the design of lots on this block and will reduce the amount of pavement in the area and allow for reduced total lot coverage on the subject parcel. If the applicants were required to situate all parking on the subject parcel, and the Town placed parking spaces within the right-of-way, the result would be more available parking but a seemingly uninterrupted parking lot of roughly 45' in depth (20' on-street parking spaces + 24' required lane width + 20' on-site parking spaces), which is not consistent with the established aesthetic of the area. Additionally, this would require the building to be setback further to the rear of the property. The currently proposed design lines up the proposed building face with that of the one approved on the neighboring lot, resulting in a more consistent and even building line, which is better in appearance and easier for pedestrians to navigate.

The proposed design of the front parking area will essentially result in the loss of five (5) potential on-street parking spaces. However, the benefits to the physical appearance of the area and the proper function and consistency of parking and roadway design should offset this impact. Additionally, it is worth noting that this is the last undeveloped parcel on the north side of S. Elmwood Avenue and therefore no other parcels on the block would be as dependent upon the granting of a variance in order to match the design of parking on neighboring parcels.

POSSIBLE IMPACT ON ENERGY

15. Will there be a significant adverse impact to the community's sources of fuel or energy supply?

Yes

No

No adverse impacts are expected. In accordance with the Planning Board's Guidelines for Exterior Lighting, the proposed lighting plan will include appropriate bulb types and control measures (i.e. motion sensors, photocells, etc.) which will prevent an unnecessary waste of electricity.

POSSIBLE IMPACT ON NOISE

16. Will there be objectionable odors, noise, glare, vibration or electrical disturbance as a result of this project?

Yes

No

Aside from the normal disturbances associated with construction projects, no objectionable odors, noise, glare, vibrations or electrical disturbances are expected to result from this project. The Planning Board will require the applicants to submit a comprehensive site lighting plan which conforms to the Planning Board's Guidelines for Exterior Lighting. These guidelines will ensure that no exterior lighting is installed on the site which would present excessive light levels, produce glare, or allow lighting to exist at inappropriate hours of the day.

POSSIBLE IMPACT ON HEALTH AND HAZARDS

17. Will there be a significant adverse impact to public health and safety?

Yes

No

No adverse impacts are expected. The nature of the proposed use will not result in the need for any toxic or hazardous materials to be on-site. The Town Engineer has reviewed the proposed project and has verified that all applicable safety-oriented Code requirements have been complied with. This includes, but is not limited to; the dimensions of the handicapped-accessible parking space and lane, the grade of ramps, walkways and building entrances, parking space dimensions, lane dimensions, etc. A trash bin has been proposed along the alleyway and away from the primary areas of public activity, for proper removal of garbage and debris.

POSSIBLE IMPACT ON GROWTH AND CHARACTER OF THE COMMUNITY OR NEIGHBORHOOD

18. Will there be a significant adverse impact to the character of the existing community?

Yes

No

The area surrounding the subject parcel is the center of development within the hamlet of

Montauk. Retail stores of the type proposed constitute the majority of the use-types within this area and contribute significantly to the economy of Montauk, which is largely based off of summer tourism. Therefore, the proposed project is consistent with the established character of the community and the economic development that it represents should help to enhance the downtown atmosphere of this area of Montauk.

19. Is there or is there likely to be controversy related to the potential environmental impacts?

Yes No

Public hearings will be held before the Zoning and Planning Boards to solicit comments from the public. No comments have been received to date. As the project is consistent with previous development within the area, controversy is not anticipated to result from the proposal.

CONCLUSION:

The Planning Board favors the granting of relief for the proposed parking design for the reasons listed in the response to Question #14 above. However, in its review of the variance request, the Town Zoning Board of Appeals has been encouraged to consider the cumulative effect that allowing similar parking designs on additional parcels will have on the total sum of available parking within the hamlet.

Determination of Significance

- One or more potentially significant adverse environmental impacts have been identified which may result from the proposed project. A Positive Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.
- One or more potentially significant adverse environmental impacts have been identified which may result from the proposed project. However, by incorporating the mitigated measures identified in this Environmental Assessment Form, these potentially significant adverse impacts may be avoided. A Conditioned Negative Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.
- No potentially significant adverse environmental impacts resulting from the proposed project have been identified. A Negative Declaration is hereby made pursuant to SEQRA and Chapter 128 of the East Hampton Town Code.

NAME OF LEAD AGENCY: Town of East Hampton Planning Board

Sylvia Overby
Print Name of Responsible Officer in Lead Agency

Planning Board Chairwoman
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Date

Prepared By (Signature)

Date