



TOWN OF EAST HAMPTON

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East Hampton, New York 11937-2684

Planning Department
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Director

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January 23, 2008

TO: Planning Board

FROM: Eric Schantz
Planner Trainee

RE: Montauk Clothing Apartments Site Plan/Special Permit
SCTM# 300-49-1-30
Application # A0520060190

Last Review Date: November 7, 2007

Items and Date Received: 01/18/08; cover letter(s); 10 sets of plans (A0 - Cover Sheet, dated 09/24/07; A1 - Site Plan, A2 - Floor Plans, A3 - South Elevations, A4 - East Elevations, A5 - North Elevations, A6 - Perspective Views, E1 - Lighting Photometrics, Pl-1 - Planting Plan, X1 - Existing Site & Axonometric, X2 - Existing Floor Plans, X3 - Existing Exterior Elevations), dated 11/16/07.

Background Information: This Site Plan/Special Permit Application is to build; two apartments with decks over the existing retail stores, an additional 196 sq ft. of first floor storage area and a dumpster with enclosure. One apartment identified as the "owner's apartment" is proposed to be 1,185 Sq. Ft. and the other, identified as the "staff apartment" is proposed to be 733 Sq. Ft. Apartments within commercial structures require a Special Permit within the CB zoning district. Also, as the footprint of the building extends within the required 10' setback from the front parcel boundary, and as one of the proposed second-floor apartments will therefore also fall within this setback, an area variance of 9' would need to be granted by the ZBA for the setback of the larger apartment to the front yard parcel boundary.

The parcel is entirely cleared and is located at the corner of South Edison Drive and Montauk Highway in downtown Montauk's Central Business District. The site is pre-existing/ non-conforming and contains two stores: The Montauk Clothing Co. to the front, and the Mundo Latino Express to the rear. 4 parking spaces currently exist on-site and the parcel is bordered to the northwest by a large public parking lot and to the southeast by Montauk Highway and it's accompanying on-street parking.

Issues for Discussion:

ZBA

The Zoning Board will hold a public hearing for the associated variance application on January 29, 2008. The ZBA was provided with a draft of the EAF Part II. This document has been attached to this memo and should be reviewed by the Planning Board. The Planning Department recommends a negative declaration pursuant to SEQRA and Chapter 128 of the Town Code.

Site Plan Revisions

The applicant has addressed the comments of the Planning Board from the previous meeting. Specifically, the westernmost and easternmost parking spaces to the rear of the store have been

labeled "reserved for apartments" on the site plan and signs have been added to delineate them from customer parking. Additionally, on behalf of the applicant, Christopher DiSunno has submitted a cover letter which indicates that the RPZ valve will be located within the basement of the primary structure.

Landscaping Plan

The landscaping plan has been modified from the previous submission. The staggered row of junipers along the eastern side of the building has been removed and replaced with lower-lying Boxwoods (*Buxus sempervirens*). The Planning Department finds this acceptable as they are commonly used in downtown Montauk and will not block the nearby windows. The Board should review the new landscaping plan (dated 12/19/07) and decide if it is acceptable or if further revisions are necessary.

Town Engineer

The Town Engineer's last memo, dated November 1, 2007, outlined a number of engineering elements of the site plan that needed revision. First, a curb inlet was requested for the leaching pool along S. Edison St. and a flat grate was requested for the poll near the Town Parking Lot. The applicant has illustrated both of these items on the updated plans. Second, the applicant was reminded that an easement would need to be obtained from the Town in order to legally discharge storm-water off of the property and into the road right-of-way. Third, the location of the underground pipes to connect the gutters to the leaching pools was requested. These structures have been illustrated on sheet A-1 of the submitted plans. And finally, appropriate signage for the handicapped spot was required. The applicant has illustrated this on the site plan. The applicant has therefore satisfied all of the engineering elements of the site plan. The applicant is reminded that the Superintendent of Highways will need to grant approval for all structures within the Town road right-of-way.

Conclusion

In conclusion, the Planning Department feels that all of the items that have been revised and re-submitted are acceptable and as a result, the application will be complete when the requested variance is granted by the ZBA. If the Board agrees, then the application should be scheduled for a public hearing after the ZBA decision is received. Additionally, the Board should review the attached EAF Part II and make a SEQRA declaration at this time.

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Planning Board Consensus

Does the Board agree that the new landscaping plan and all of the other newly submitted information and revisions are acceptable and that the application will be complete once the ZBA has decided?

Additional comments: _____

Does the Board wish to make a negative declaration pursuant to SEQRA and Chapter 128 of the Town Code?

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:	Montauk Clothing Apartments	<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 checked="" type="checkbox"/> SPECIAL PERMIT
SUFFOLK COUNTY TAX MAP:	300-49-1-30	<input type="checkbox"/> ZONE CHANGE
		<input checked="" type="checkbox"/> VARIANCE
		<input type="checkbox"/> NATURAL RESOURCES SPECIAL PERMIT
		<input type="checkbox"/> OTHER

APPLICANT: William Mavro
C/O Christopher DiSunno

ADDRESS: DiSunno Architecture
92 Newtown Lane
East Hampton, NY 11937-2461

TELEPHONE: 631-324-6676

COMMENTS:

This proposed project is to build; two apartments with decks over the existing retail store, a first floor storage area of 238 sq ft. and add a dumpster with enclosure. One apartment identified as the "owner's apartment" is proposed to be 1,185 Sq. Ft. and the other, identified as the "staff apartment" is proposed to be 733 Sq. Ft. Apartments within commercial structures require a Special Permit within the CB zoning district. Also, as the footprint of the existing building extends within the required 10' setback from the front parcel boundary, and as one of the proposed second-floor apartments will therefore also fall within this setback, an area variance would need to be granted for the setback of the larger apartment to the front yard parcel boundary.

The applicant seeks a variance of 9' from Section 255-11-10 Table IV of the East Hampton Town Code to construct a second floor apartment 1' from the front yard property line where 10' is required.

The subject parcel is located within the CB zoning district of downtown Montauk and is wholly within Zone X of the FEMA and FIRM maps. It is situated at 787 Montauk Highway, at the corner of Montauk Highway and S. Edison St. It is identified as lots 10 & 11 in Subdivision #1 of the Montauk Beach Development Corp: the Map of Fort Pond Business Section, which was filed on November 22, 1926 as no. 174. The predominant soil type on this parcel is Bridgehampton Silt Loam, 0 to 2 percent slopes. All on-site native vegetation has been cleared.

Premises are presently improved with two one-story, retail buildings: one with a footprint of 3,113 sq ft. and one at 631 sq ft. The current proposal effects only the larger building with a proposed addition of 196 sq ft. of storage area on the first floor, and two apartments totaling 1,918 sq ft. on the second floor.

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 expected, the site is currently dominated by the existing one-story retail store and the proposed physical change: the addition of a second-story, is not expected to have any adverse impacts.

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. It should be noted though that the stormwater drywells in this area of downtown Montauk all connect and discharge into Fort Pond. The current land slopes and drywells in this area results in a large amount of water running from the vicinity of the project site north across the Town Parking Lot. This allows the run-off to collect pollutants, particularly from vehicles, and potentially degrade the Pond. The new drywells and stormwater collection structures required on-site by the Town Engineer will lessen the impact of this condition.

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. The existing, outdated sanitary system is to be filled and abandoned and replaced with a more modern system.

The SCDHS has grandfathered this lot at a higher than usual flow-rate for small parcels within downtown Montauk. This is a result of the restaurant use which the existing building once had. The current proposal will stay below the maximum flow for a restaurant while providing retail and two affordable apartments.

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

Yes No

See response to question # 3. The Planning Department foresees a significant positive impact on drainage flow and surface water run-off.

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.

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 proposal includes the enlargement of the building by adding a second floor. This will undoubtedly change the aesthetic character of this block. However, as many of the buildings on this block are also two-stories, and as the applicant has chosen an architectural style in keeping with that of downtown Montauk (Tudor), which has been reviewed by the Town Architectural Review Board and found to be acceptable, the proposed addition is expected to enhance the aesthetic qualities of this area rather than deter from them.

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.

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

A moderate impact is expected.

Density will increase from what currently exists by two residential apartments. However; transportation systems are not expected to be impacted significantly.

It should also be noted that the proposal will construct 3 new parking spaces within the S. Edison St. right-of-way which will aid automobile transportation throughout the Town.

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.

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.

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.

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

No adverse impacts are expected. See response to question # 11.

The affordable apartments and architectural style chosen will enhance the character of the community.

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.

CONCLUSION:

The Planning Department favors the granting of relief from the Town's front yard setback requirements. Although the possible non-code-conforming characteristics of surrounding buildings is not a justification for ignoring the Town's Dimensional Regulations, it is important to note that most of the buildings on this block are also less than 10' from the front property line. The existing single-story building is no exception, and no benefit to the public will be achieved by requiring the applicant to setback the proposed second floor 9' from the existing first-floor outer wall. On the contrary, this would result in a building that does not conform to the general appearance of downtown Montauk. Additionally, requiring the applicant to build a second floor outside of the footprint of the existing first floor would present unnecessary challenges as well as possibly excluding one of the proposed apartments from the project. The current proposal will create two affordable apartments within the CB zone of downtown Montauk and therefore provides a benefit to the community that outweighs any potential adverse effects of building a second story on a store that is close to the front property line. Also, the project involves the upgrading of both the sanitary system and the stormwater drainage structures on and around the site. For these reasons, the Planning Department feels that the project as proposed will be a benefit to downtown Montauk.

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