



TOWN OF EAST HAMPTON

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TO: Planning Board

FROM: Eric Schantz
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RE: St. Michael's Senior Housing Site Plan/Special Permit & Lot Line
Modification
SCTM# 300-172-2-8.1, 9.1, 9.2

Last Review Date: October 7, 2009

Items and Date Received:

10/16/09 Amagansett Fire Dept. comments w/attachment 10/29/09 Applicant submission; cover letter; 10 sets of Building Plans (C1 - Proposed Site Improvements, dated revised 10/28/09; C2 - Proposed Grading, Drainage, Water & Sanitary Plan, dated revised 10/28/09; C3 - Lighting Plan, dated revised 10/28/09; C4 - Site Construction Details, dated revised 10/28/09; A1 - Housing Cluster Floor Plan, dated revised 10/28/09; A2 - Housing Unit Elevations, dated revised 10/28/09; A3 - Community Center Floor Plan, dated revised 10/28/09; A4 - Perspective Elevations, dated revised 10/28/09). 10/29/09 Fire Marshal letter 10/29/09 Applicant submission; 1 copy of Project Narrative, stamped received 10/29/09.

Background Information:

St. Michael's Lutheran Church in Amagansett is proposing a site plan application for a 40-unit senior affordable housing community, a new parsonage, a community center and other associated features, including; a manager's apartment and a shop. The parcel is located on Montauk Highway (State Route 27) and is located within the A-Residential Zoning District with an Affordable Housing Overlay. An affordable housing development is considered to be Multiple Residence according to the Town Code, which is a special permit use. The parsonage is considered to be an accessory residential use to the church which is a semi-public facility. This is a permitted use, but does require site plan approval.

In conjunction with the site plan/special permit application, the applicant has also filed for a lot line modification. The lot line modification will allow the church and parsonage

to be located on a separate parcel of land, although many of the features such as the parking and community center will be shared by both uses.

According to the project description submitted, the St. Michael's affordable housing development will consist of 40 one bedroom apartments for seniors (age 62 and older), located in 5 clusters of 8 apartments each. Each cluster is proposed to be a two-story building. There will also be a 3,000 sq. ft. community center, containing a two bedroom superintendent/resident manager's unit on the second floor. The plan calls for a separate entry and exit and one-way flow of traffic. All parking is to be provided on site.

The project description also notes that the project is proposed to be energy efficient in its operations, constructed out of recycled or sustainable produced materials to the greatest extent possible, and provides healthiest possible living environment for its residents. They are intending to work towards being certified as meeting the Leadership in Energy and Environmental Design (LEEDS) criteria and strive to meet Enterprise Foundation's Green Communities Criteria at the highest level.

Major Submission Items Still Needed:

- Updated Traffic Study
- Stage 1A Archaeological Study
- Site Plan revised to show location of buildings and other improvements on adjacent lots (across Montauk Highway) as well as all other information as required by the Board and/or detailed below
- More-detailed narrative (*if required by Board)
- Affordable Housing Credit Program application
- Comments/Requirements of the NYSDOT
- Landscaping/Screening plan

Issues for Discussion:

Narrative

The applicants have submitted a narrative addressing a number of issues, including: HUD requirements, LEEDs design, EMT alert lights and the use of the community center (addressed in greater detail below). The Board should determine if this information is adequate or if additional narratives will be required.

Sanitary Calculations

The applicants have amended the size of the proposed lots and have provided updated sanitary calculations. However, proposed Lot 1 has been shown at less than 40,000 sq ft. (making the sanitary calculations for Lot 1 incorrect, i.e. yield is <600 GPD) which will require a lot area variance to remain. The applicants should explain why this is being proposed or amend the plans accordingly.

Community Center

At the last review, the issue of the nature of the use of the proposed community center was brought up and a narrative pertaining to this issue was required of the applicants. A narrative has been submitted and the Board should read this document. It is stated that the center will primarily be for use by the tenants of the housing complex, but that the church will be allowed to use the facility on special occasions. The Board should determine if this information is sufficient or if additional narratives will be required.

Up to this point in the reviewing process, the Board has unofficially treated this building as an accessory structure, and it is noted that the proposed setbacks, parking, use designation, etc. have all reflected this. Now that more information about the nature of the use of this building has been submitted, the Board is encouraged to contact the Chief Building Inspector for a formal determination as to whether or not this building represents an accessory structure and/or use under the proposed project.

Housing Density & Affordable Housing Credit Program

The Board should pay specific concern to the density of the proposed housing development as it will have a direct effect on nearly all of the important issues related to the project, such as: traffic generation, generated sanitary flow, lot coverage, building and site visibility, parking requirements, etc. It is anticipated that this may be the central issue effecting and increasing the possible concerns of the New York State Department of Transportation, Suffolk County Department of Health Services, Suffolk County Planning Commission, as well as those which may potentially be had by members of the community. The Planning Board will need to determine that the density of the proposed affordable housing development does not compromise any of the site plan or special permit standards and that it does not compromise any other goal of either the Town Code or the Comprehensive Plan in regard to a myriad of issues, including but not limited to; environmental protection, traffic abatement and preservation of the Town's rural character. The Planning Department strongly recommends the Planning Board discuss this issue at this time and consider whether additional information in regard to its concerns will need to be submitted. The following points should be considered by the Board:

The Town Code currently mandates a maximum density of eight (8) units per one acre for an affordable housing development. However, the Town's Comprehensive Plan (2005) recommended that "...maximum overall density should be set at five units per acre..." This was made a recommendation as it would bring the Town's density regulations into conformance with those of the Suffolk County Department of Health Services (SCDHS). However, since the date of this recommendation, the Town has initiated an Affordable Housing Credit Program (AHC §250 of the Town Code) in conjunction with the SCDHS. During the formation of this program, both the Town and the SCDHS deemed an appropriate limitation on density to be "...double the allowable sanitary flow for the Groundwater Management Zone of the receiving parcel." (see §250-40-30 D). This requirement has been adopted into the Town Code with the acceptance of the SCDHS, and has been the standard used on a number of already received applications

through the Affordable Housing Credit Program. The applicants will need to utilize this program in order to achieve the 40 unit per acre density currently proposed.

The Affordable Housing Credit Program entails the sterilization of a “sending” parcel by the Town and the transfer of its resulting unused allowable sanitary flow to a “receiving” parcel, which is to use this granted extra density in conjunction with providing affordable housing. Sterilization effectively results in the removal of all rights to construct buildings or structures on the sending parcel, guaranteeing that it will no longer be able to potentially contribute sanitary flow to groundwater. All such transfers of development rights must be approved by both the East Hampton Town Board and the SCDHS before a project is approved. The Planning Board is required to prepare a report to be issued to the Town Board which considers a number of issues related to the proposed development and makes a recommendation either to grant or deny the requested credits (see attached).

Under this program, the lot to contain the senior housing development, as currently proposed, could in fact contain up to 64 individual units at 100 GPD if the community center and manager’s apartment were not included and provided that the maximum amount of affordable housing credits were granted by the Town Board. Without the benefit of affordable housing credits, and given the same conditions, this maximum yield would be 32 units.

The development, as proposed (including the community center and manager’s apartment) will require the granting of 32 affordable housing credits by the Town Board, whereas 32 is the maximum which could be allowed under the program. Given the applicant’s stated need for a community center and manager’s apartment for the proper function and quality of life for the prospective tenants, this represents the maximum number of units which could feasibly be constructed on the site. However, the applicants have also submitted to the record that 40 units is the minimum required by the HUD to receive supportive funding.

A total of 32 affordable housing credits will need to be granted if the project is to be approved as currently proposed (no more than one apartment built per one credit issued as per §250-30-30 B). If the sending parcel(s) is located within Groundwater Management Zone IV, and provided it is not within any other special environmental zones, it will need to have a lot area of roughly 15 acres to provide the requisite number of credits. Based upon its specific zoning, the Code will also require a further discounting of credit yield (e.g. A2: 80%, A3: 60%, etc.) which will in turn require the sending parcel(s) to be larger in lot area. Furthermore, the SCDHS “yield method” requires a discount of 25% of lot area, also increasing the required size of the sending parcel(s).

Currently, the Town’s Affordable Housing Credit Bank cannot supply one or more parcels solely within the Amagansett school district which are large enough in total lot area to meet this yield requirement. This contradicts a goal of the program which is to limit the transfer of development rights to within the same school district. In such cases where a transfer of credits between school districts is proposed, an “economic impact statement” must be formulated by the Town Board to address this issue. It appears that

barring the purchase of a substantially sized parcel in Amagansett by the Town, that this will be required as a result of this project. Although this will be determined upon formal submission of an affordable housing credit application by the applicants, it appears that roughly 3 credits can be obtained from sending parcels within the Amagansett School District and that the remaining 29 credits will need to be transferred from the Montauk School District and/or Springs School District.

This provision of the Affordable Housing Credit Program is meant to prevent both; harm to the receiving district by increased demands on school facilities therein, as well as an inequity of such demands between districts. In the case of the subject application, the Planning Department feels that this will not be an issue. Specifically, as this is a senior housing development, the incidence of increased school enrollment resulting from the project should be low, if at all. The sterilization of a substantial amount of land as well as the increase in tax revenue without an increase in the student base should result in net benefits for any school district chosen to contribute sending parcels, as well as for the Amagansett School District. Also, it is noted that the large number of credits required, and the resulting large amount of land, will result in the sterilization of many acres and a guaranteed reduction in build-out throughout the Town.

An additional positive of the project which cannot be overlooked and is intrinsic to it is the fact that it will provide 40 much needed affordable housing units for seniors in East Hampton Town. Due to the lack of information needed from other agencies, such as the NYSDOT and the SCPC, the Board should not make any formal determinations at this time as to whether or not the proposed density of the housing development is acceptable. However, the Board should discuss this issue at this time, keeping in mind that it is a key issue in regard to compliance with the numerous site plan and special permit standards.

Building Appearance & Visibility

The applicants have modified the roofline of the proposed housing units. The new plans illustrate a more pronounced pitch at the face of the buildings and no areas of flat roof.

Building elevations have been submitted which show the existing screening and the relative visibility of the facility from different points along Montauk Highway. Although the Planning Department is confident that the combination of a roughly 120' setback of the 26' 8" tall housing units, coupled with a ~50' wide vegetative buffer along the highway should be sufficient to completely screen the development, it is recommended that the Board consider options which would better illustrate the project's visibility. The Board is reminded that this is a "high traffic" area and represents the entrance into downtown Amagansett from the east as well as one of the last things most motorists may see when exiting the hamlet. At this time, and prior to the creation of a formal landscaping plan by the applicants, which will consider quantities and types of plants for the purposes of buffering and screening, it is recommended that the Board require some type of massing model to gain better perspective on the visibility of the proposed facility. The Board should consider requiring the applicants to stake out the corners of the proposed buildings to provide a simple to-scale model. This can be done easily and inexpensively through ground stakes, string, sheets and balloons, and can allow

photographs to be taken and subsequent re-vegetation efforts to be maximize effectiveness. Although this is not usually done in association with the Board's review of the majority of site plans, the scale of the project, as well as its visibility from both Montauk Highway and neighboring parcels should be considered to ensure that it will not compromise the established aesthetics of the area. Alternatives which would just as effectively help visualize the development should also be discussed and considered, such as 3D computer (CAD) models or a replica scaled-down site model, as was presented to the Board at the time of the preliminary site plan application.

Parking

The parking spaces have been reconfigured to meet all applicable yard setbacks. The applicants currently propose roughly one third of the total parking requirement to be provided for in the form of grass parking. The Board should decide if this is acceptable. It is noted that 45 paved spaces and 12 grass spaces have been provided in close proximity to the individual units and community center and that 14 paved spaces and 19 grass spaces have been provided in close proximity to the church.

Lighting

The Planning Department finds the lighting plan acceptable with two exceptions. First, proposed control methods for each fixture should be listed in the key (e.g. on/off switch, timer, motion sensor). Second, the pole-mounted fixture at the cul-de-sac will result in light trespass onto the neighboring parcel. It is recommended that this fixture be removed entirely as the cul-de-sac will be only for car turnaround purposes, whose headlights should be sufficient. Alternatively, the applicants may want to replace this fixture with a Code conforming one, either change would be acceptable.

Landscaping & Screening

No formal comprehensive landscaping plan has been submitted at this time. The Board may wish to elaborate at this time as to what this plan should include and where screening efforts should be focused.

It is noted that a water meter, electrical transformer, and RPZ valve have been proposed within the ~50' vegetative buffer along Montauk Highway. Although the existing vegetation should partially screen these utilities, both the Board and the applicants may want to discuss the degree of visibility and if any methods to further screen them can be employed.

It is recommended that the applicants map the existing clearing line on the parcel and illustrate this on the formal landscaping plan in order to show what areas will contain existing vegetation, and which will need new plantings.

Town Engineer

An updated plan for grading, drainage and sanitary systems has been submitted. The Board should refer to the comments of the Town Engineer.

East Hampton Fire Department

The East Hampton Fire Department has reviewed the application and will require two hydrants to be added to the site plan.

Fire Marshal

The Fire Marshal has reviewed the application and has stated that the proposed common hallways will meet both State and Local building codes and fire regulations. Should the Board agree, this satisfies the special permit standard 4a. of an affordable housing development as written in the Town Code.

Emergency escape windows will be required for the second floor apartment units and the applicants should contact the Fire Marshal’s office and amend the plans accordingly (if necessary). The Board may wish to inquire with the applicants at this time as to what changes to the building’s appearance will result from this requirement.

Other Accessory Structures

The recycling bin on the western side of the property has been relocated closer to the access road as per the Board’s request at the last review.

A pyramid detail has been added to the site plan. However, a garage has since been added to the west side of the parsonage, roughly 20’ from the neighboring property line. The applicants should address this issue and should revise the pyramid diagram as necessary.

Conclusion

In conclusion, the application is incomplete pending the resolution of the aforementioned issues and the submission of the required items. So far, the Board has addressed issues stemming from the general layout. In particular, issues pertaining to building orientation, parking configuration, and general site visibility from Montauk Highway. At this time, as the application moves forward with both the Town and other involved agencies and before the significant amount of remaining required information (e.g. archaeological study, traffic report, etc.) is submitted, the Board should ensure that it is comfortable with the proposed scale of the facility as well as all of the other issues presented above.

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Planning Board Consensus

Is an additional narrative needed? If so, addressing what issues?

Additional comments: _____

Letter to CBI in regard to whether or not the community center is an accessory use and structure (as currently proposed)?

Additional comments: _____

Will the Board require a massing model to be submitted? In what form?

Additional comments: _____

Does the Board find the amount and location of proposed grass parking acceptable?

Additional comments: _____

Should the aforementioned changes to the lighting plan be made?

Additional comments: _____

Should the pyramid diagram be updated to illustrate the proposed garage?

Additional comments: _____

Additional Board Comments:

