TOWN OF EAST HAMPTON

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

Planning Department
Marguerite Wolffsohn
Director

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

May 6, 2016

TO: Planning Board

FROM: Eric Schantz
Senior Planner

RE: Dioguardi Brick Patio Replacement – Site Plan
SCTM# 300-110-1-10
Application # A0520140016

Last Review Date: April 27, 2016

Items and Date Received: Revised site plan prepared by Saskas Surveying Company, P.C. (revision date unknown)

Background Information: Application was originally made to add a 27' X 6' (162 sq. ft.) brick-in-sand patio on a parcel containing a use that had existed as a pre-existing non-conforming restaurant use after the zoning of the property was changed from RB: Retail Business to A: Residence in 1984 and which has expanded and changed without approvals. The brick-in-sand patio is no longer proposed. The application now is to legalize a number of structures and additions built without site plan and other required approval as well as to relocate a number of structures and construct an expanded on-site parking lot and new second exterior bar on the west side of the property.

The subject parcel is roughly ½ acre in lot area and is situated in Amagansett along the Napeague stretch on the north side of Montauk Highway. The parcel is zoned A: Residence and is within the Flood Hazard Overlay District as it is wholly within the Zone AE el. 10 flood zone. It is roughly 75% cleared of native vegetation and areas of remaining vegetation are dominated by invasive species, particularly Japanese Black Pine (*Pinus thunbergii*). The property is severely encumbered by expansive areas of freshwater wetlands on the roughly 1 acre Town-owned nature preserve immediately to the east as well as two small pocket wetlands on the property to the immediate west (SCTM#300-110-1-9).

The property was the subject of previous Planning Board and Zoning Board of Appeals applications in 1991-1992 and again in 1998-1999. These applications requested approval for various accessory structures such as decks, awnings and storage structures. None of

these applications were granted approval as it was noted at the time for each proposal that a substantial amount of other additions had been made to the property without the benefit of necessary approvals.

The Building Inspector has made numerous previous determinations regarding what structures have been built on-site (or which are proposed at this time) which have not received site plan approval. The most recent determination was dated April 14, 2015.

Issues for Discussion:

Revised Site Plan
The applicants will be submitting a revised site plan (prepared by Saskas Surveying Company, P.C.). As of the date of this memorandum, this plan has yet to be submitted. However, the Planning Department is generally familiar with the proposed changes to the project which should be reflected on a revised site plan which it is our understanding will be available for the Board's May 11, 2016 meeting.

At the time of the last review, the Planning Board stated that they supported the proposed general layout as it improved safety and environmental conditions. As a reminder to the Board, the following changes from the original plan/existing site conditions were proposed:

- Complete removal of the front bar and any other structures (including decking) south of the front face of the principal building and fencing/vegetative screening to prohibit patrons from the area in front of the principal building, which is in close proximity to Montauk Highway.
- The proposed bar on the western side of the building will be reduced in size to a 10' long countertop.
- The canopy, portions of the deck and the native stone seating area on the western side of the building will be removed. A roughly 30' X 30' (900 sq. ft.) outdoor area for patrons would be established and cordoned off from the parking lot through a combination of fencing and vegetative screening. This outdoor area and the interior of the principal building would be the only areas available/accessible to serve patrons.
- All areas of brick patio along the eastern side of the principal building along with all accessory structures will be removed with the exception of two (2) 8' X 20' (160 sq. ft.) storage containers, the grease bin and the dumpster/garbage compactor. The grease bin and dumpster/garbage compactor would be placed on concrete slabs and screened with stockade fencing.
- Seating would be limited to the amount previously approved by the Suffolk County Department of Health Services: 62 total seats with 36 outdoor and 26 indoor. Seating could be located in the interior of the restaurant or in the ~900 sq. ft. patron area along the western side of the building.
- No more than 150 persons would be allowed on the property at any one time. This includes patrons (whether standing or seated) and employees.

- A (minimum) twenty-one (21) space parking lot as this is the minimum requirement for a restaurant of the previously-approved size. This parking lot would have fencing and vegetative screening as appropriate to reduce visibility from Montauk Highway.

Since the time of the last review negotiations with the applicants as part of litigation proceedings has resulted in a slightly modified proposal. The Planning Department notes the following changes from the previous proposal:

- The proposed new bar countertop on the western side of the building has been increased from 10' in length to 14' in length but has been moved further back from Montauk Highway. An existing canopy which was previously proposed to be removed is now proposed to remain to shield the bar from rain. Note that the bar will still be in the standing area/"corral", which is not proposed to increase in size.
- A new seating area is proposed at the front of the building. There will be no bar counter or service window at the front of the building to service this area. The area will contain fixed seating so that it cannot be converted to a standing area and will be capped at 20 seats/persons. It will be entirely fenced-off and separate from the "corral" area and screened from Montauk Highway by 6' tall Eastern red cedars (*Juniperus virginiana*) and a 4' tall stockade fence.

The Board should also note that the applicants propose to complete the project in two (2) phases, with Phase I being the site improvements within the existing area of development, which would not necessitate variances, and Phase II being the expansion of the parking lot, which would require a variance from the Zoning Board of Appeals.

Lighting
No information pertaining to existing exterior lighting has been submitted. As all exterior lighting on commercial property is required to meet the lighting standards of the Town Code, the Planning Board should ultimately require that the site is brought into compliance. As existing lighting on the property is minimal at this time, the Planning Department does not object to the Board making the installation of lighting which conforms to the Planning Board's Guidelines for Exterior Lighting a condition of approval, should the Board choose to grant it. The Board should determine if they agree.

Suffolk County Department of Health Services (SCDHS)
It is the understanding of the Planning Department that the proposed number of seats (62) matches the most recent SCDHS approval. Therefore, a new approval from the SCDHS should not be needed for this project.

Architectural Review Board (ARB)
This application has been forwarded to the ARB and comments are pending at this time.

Conclusion
In conclusion, the Board should consider the proposed revisions to the project and determine if they are acceptable. Provided no additional information is required, then it appears that the application is complete and ready to be scheduled for a public hearing.

ES

Planning Board Consensus

Does the Board have any objections to the proposed modifications?

Additional comments: _____

_____

Is any additional information required at this time?

Additional comments: _____

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Will the installation of lighting which conforms to the Planning Board's Guidelines for Exterior Lighting be made a condition of approval, should the Board choose to grant it?

Additional comments: _____

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Is the application complete and ready to be scheduled for a public hearing?

Additional comments: _____

_____

Additional Board Comments:

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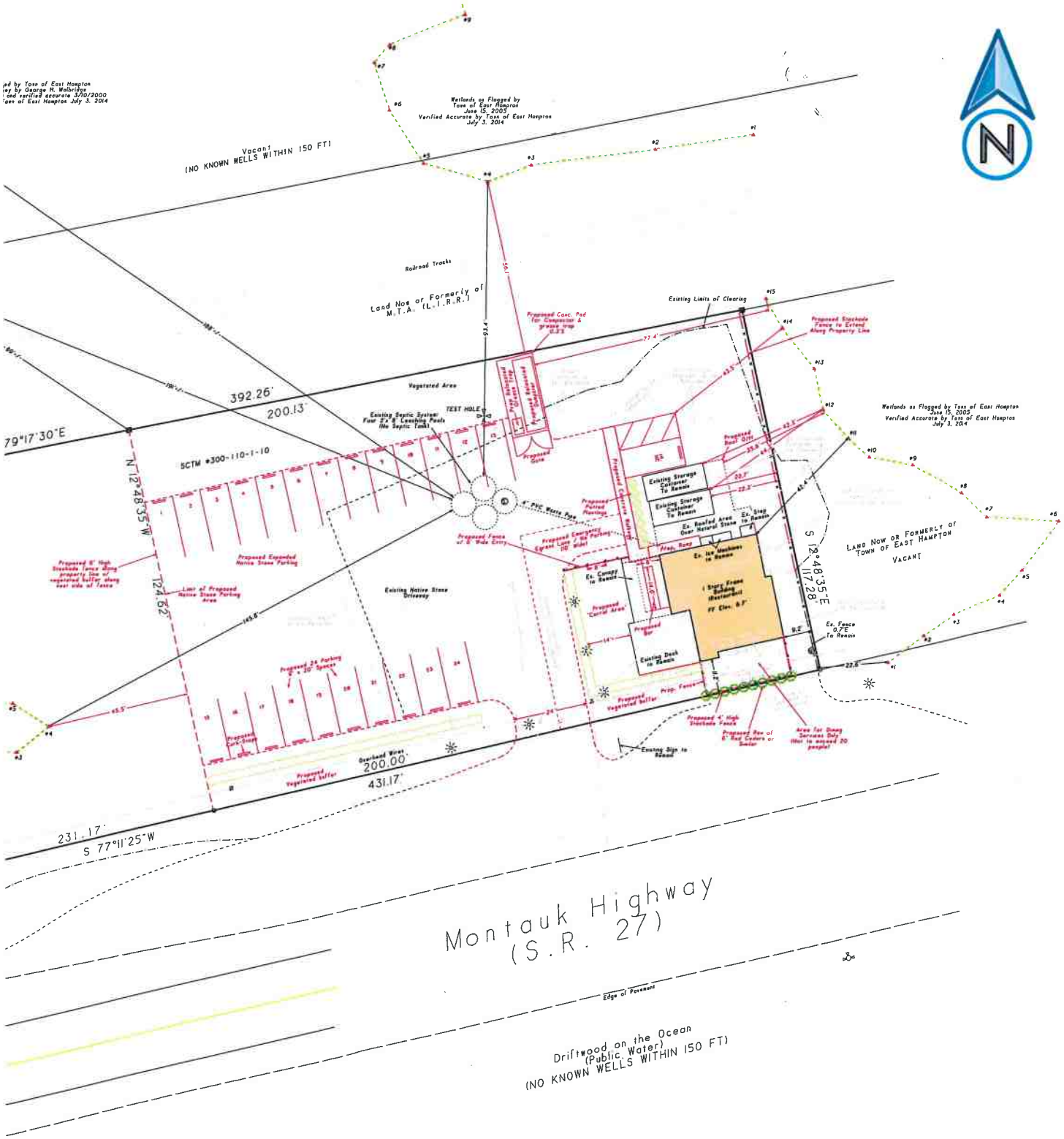

NOTES:

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyors seal is a violation of section 7209. sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's embossed seal or inked seal shall be considered to be valid copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the N.Y. State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the Title company, governmental agency and Lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners.
4. Underground improvements or encroachments, if any, are not shown hereon.
5. The existence of right of ways, wetlands and/or easements of record, if any, not shown are not guaranteed.
6. Elevations shown are based on USC & GS datum. (NGVD 1929)

May 4, 2016: Revise proposed site plan
April 21, 2016: Revsie proposed site plan
November 18, 2015: Dimensions & labels
July 13, 2015: Update
November 25, 2014: Proposed site plan
November 17, 2014: Indicate 7/3/2014 wetland verification
March 25, 2014: Plot proposed brick
March 21, 2014: Update
April 17, 2013: Recover corners (4)
August 22, 2012: Site Plan
June 28, 2012: Update
November 14, 2011: Update
March 17, 2008: Survey SCTM #300-110-1-9
March 12, 2008: Plot proposed as per engineer
October 22, 2007: Additional wetlands
July 29, 2005: Wetlands, topo. & test hole

.E (Saskas Surveying Co., P.C.)
(Elev. 5.2')

Sand

Water in sand
Groundwater @ Elevation 2.7'

Surveyed: July 29, 2005
David L. Saskas
N.Y.S. Lic. No. 049960

Saskas Surveying Company, P.C.
124 Cedar Street
East Hampton, New York 11937
(631) 324-6917 FAX 329-4768

SASKAS SURVEYING

PLANNING - <PREPARERS NAME> - <DATE>

Basemaps: 2013 NYS Digital Ortho Photography
Suffolk County Real Property Tax Service
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1 " = 50 feet

Feet
0 10 20

THE TOWN OF EAST HAMPTON

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Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York
Dept. of Information Technology

Date Prepared: <Month day, Year>