

**PLANNING BOARD OF THE TOWN OF EAST HAMPTON
EAST HAMPTON, NEW YORK**

In the Matter of the Application

of

**SITE PLAN/
SPECIAL PERMIT
APPROVAL**

**92 SOUTH EUCLID AVENUE
SCTM# 300-49-1-15**

ADOPTED: ____/____/____

FINDINGS AND DETERMINATION OF THE BOARD

The findings of fact, conclusions, and determination set forth herein are made after consideration of the application, any presentations, memoranda or correspondence made or submitted to the Board by staff or interested parties, comments taken at any public hearing on the application, and inspection of the subject property.

A. PROJECT DESCRIPTION

1. TYPE OF APPROVAL SOUGHT:

(a) Site plan approval pursuant to Article VI of Chapter 255 (Zoning) of the East Hampton Town Code.

(b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. USE REQUIRING SPECIAL PERMIT: Apartment within commercial structure.

3. DESCRIPTION OF PROPOSED WORK: To construct a two-story 1,058 sq. ft. commercial building with a second floor affordable apartment, and basement. The building is to consist of a 1,058 sq. ft. first floor dry retail, a 1,058 sq. ft. apartment, and a 945 sq. ft. basement.

4. SIZE OF PROPERTY: 4,100 sq. ft.

5. OWNER OF PROPERTY: Michael O'Connell

6. APPLICANT: Andrew Strong Law, East End Land Planning Inc.

7. PROPOSED SITE PLAN: Site plan prepared by Walbridge dated October 13, 2021

8. DATE OF PUBLIC HEARING ON APPLICATION: January 12, 2022

B. PROPERTY LOCATION AND DESCRIPTION

1. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-49-1-15

2. STREET LOCATION: 92 South Euclid Avenue

3. CONTIGUOUS WATER BODIES: N/A

4. HAMLET OR GEOGRAPHIC AREA: Montauk

5. SITE DESCRIPTION & EXISTING IMPROVEMENTS: Vacant parcel with native and invasive vegetation.

6. FILED MAP NAME: N/A

7. **FILED MAP NUMBER:** N/A
8. **DATE OF MAP FILING:** N/A
9. **BLOCK NUMBER IN FILED MAP:** N/A
10. **LOT NUMBER IN FILED MAP:** N/A

C. ZONING CLASSIFICATION

1. **ZONING DISTRICT:** CB: Central Business
2. **ZONING OVERLAY DISTRICT:** N/A

D. SEQRA REVIEW

1. **SEQRA CLASSIFICATION:** Type II
2. **LEAD AGENCY:** N/A
3. **DETERMINATION OF SIGNIFICANCE:** N/A
4. **DATE OF DETERMINATION:** N/A

E. COUNTY COMMISSION REVIEW/ADDITIONAL FINDINGS OF FACT

1. Pursuant to the inter-municipal agreement between the Town of East Hampton and the County of Suffolk, the subject application does not require referral to the Suffolk County Planning Commission (SCPC).
2. By letter dated November 19, 2021, the Office of Fire Prevention has informed the Board that no additional fire protection devices are needed for this project.
3. The application required the approval of two variances from the Zoning Board of Appeals for parking 3 spaces within the right-of-way where on-site parking is required, and for a side yard setback variance of 7 ft. reducing to 3 ft. where 10 ft. is required. A ZBA determination was granted in August 11, 2021 where the application was granted both variances.

F. COMPLIANCE WITH TOWN CODE OR OTHER REQUIREMENTS OF LAW

Based upon the foregoing, the Planning Board finds that the application as approved, subject to any conditions or modifications specified in § H below, meets the following requirements:

1. The application contains all necessary elements of a site plan as enumerated in § 255-6-50 of the Town Code.
2. The application meets the standards enumerated for review of site plans in § 255-6-60 of the Town Code.
3. The application meets the general standards required for the issuance of a special permit by § 255-5-40 of the Town Code, in that:

(A) Nature of use. The use proposed will be in harmony with and promote the general purposes of Chapter 255 of the Town Code as the same are set forth in § 255-1-11 thereof.

(B) Lot area. The lot area is sufficient, appropriate, and adequate for the use, as well as reasonably anticipated operation and expansion thereof.

(C) Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties.

(D) Compatibility. The site of the proposed use is a suitable one for the location of a Retail Store with a second floor affordable apartment in the Town, and the proposed use will be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale, and overall appearance.

(E) Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area, or other place of public assembly.

(F) Use definition. The proposed use conforms to the Town Code's definition of "Retail Store," as that definition is used in § 255-1-20 of the Town Code.

(G) Circulation. Access facilities are adequate for the traffic estimated to be generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and vehicular entrances and exits are clearly visible from the street and are not within seventy-five (75) feet of the intersection of street lines at a street intersection.

(H) Parking. The three (3) off-street parking spaces proposed for this application satisfy the requirements of the applicable provisions of Chapter 255 of the Town Code, and are in any case more than adequate for the actual anticipated number of occupants of the proposed use. Furthermore, the layout of the spaces and related facilities will be convenient and conducive to safe operation.

(I) Buffering and screening. Adequate buffer yards and screening have been provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

(J) Runoff and waste. Adequate provision has been made for the collection and disposal of stormwater runoff, sewage, refuse, and other liquid, solid, or gaseous waste which the proposed use will generate.

(K) Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems, or processes and without significant negative impact to groundwater and surface waters on or off the site.

(L) Compliance with other laws. The proposed use can and will comply with all provisions of the Town Code which are applicable to it, and can meet every other applicable

federal, state, county, and local law, ordinance, rule, or regulation.

G. DISPOSITION OF APPLICATION

The application is approved as described herein, subject to any conditions or modifications specified in § H below.

1. TYPE OF APPROVAL GRANTED:

- (a) Site plan approval pursuant to Article VI of Chapter 255 of the Town Code.
- (b) Issuance of a special permit pursuant to Article V of Chapter 255 of the Town Code.

2. NATURE OF APPROVED USE: Retail store with a second floor affordable apartment

3. DESCRIPTION OF APPROVED WORK: Construct a two-story 1,058 sq. ft. commercial building with a second floor affordable apartment, and basement. The building is to consist of a 1,058 sq. ft. first floor dry retail, a 1,058 sq. ft. apartment, and a 945 sq. ft. basement.

H. CONDITIONS OF APPROVAL

The approval hereby granted is contingent upon full compliance with the conditions set forth in this section. The property may not be used except in accordance with this conditional approval, and all improvements shall be made, built, or installed in accordance with the plans described below.

1. APPROVED SITE PLAN: Prepared by George Walbridge Surveyors P.C. and dated October 13, 2021

2. APPROVED BUILDING OR CONSTRUCTION PLANS: Lighting and Building plans prepared by Jeffrey Sands Architect dated October 12, 2021 (Sheet A010 – Site Lighting Plan); (Sheet A-100 Foundation Plan); (Sheet A110 First Floor Plan); (Sheet A120 – Second Floor Plan); (Sheet A200 – Elevations); (Sheet A210 Elevations); (Sheet A220 – Elevations); and (Sheet A300 Section); Sanitary Plans prepared by Ed Armus P.E. dated October 14, 2021; Landscaping Plan prepared by East End Land Planning dated October 13, 2021.

3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

3.1 No building permits may issue, nor may clearing, grading, or construction activities be commenced, until and unless the conditions enumerated in sub¶ 3.2 and 3.3 below have been met, as evidenced by the report of the Planning Board Chair.

3.2 The applicant shall obtain the approval of the Suffolk County Department of Health Services. A copy of the approved plan containing an original stamp of approval from that agency, not a photocopy, shall be submitted.

3.3 The applicant shall obtain the final written approval of the Architectural Review Board.

3.4 The applicant shall perform the parking, access, drainage, and landscaping improvements shown on the approved site plan and approved building or construction plans described above prior to the issuance of a certificate of occupancy.

3.5 All landscaping shall be maintained by the applicant in accordance with the approved site planting plan for so long as the improvements approved as part of this site plan are in use. This requirement shall be a continuing condition of this approval, and the applicant and any

successors in interest shall replace and replant the landscaping on the site as may be necessary to satisfy this condition.

3.6 The parking, access, and drainage improvements required by this site plan approval (including any devices for delineating parking spaces or directing traffic flow) shall be maintained by the applicant for so long as the improvements approved as part of this site plan are in use. This requirement shall be a continuing condition of this approval, and the applicant and any successors in interest shall repair, replace, and maintain these improvements as may be necessary to satisfy this condition.

3.7 The applicant is to construct the sidewalk in accordance with the notation illustrated on the approved Site Plan. The sidewalk is to align with the built property of SCTM#300-49-1-16. Should the eastern property of SCTM#300-49-1-14 is to be constructed prior to the subject site, the proposed sidewalk shall be constructed to connect accordingly.

3.8 The applicant shall install all utilities servicing the proposed lots, including electric, telephone, and, if available, cable television wiring below grade. Any electric transformers placed, installed, erected, or constructed on this property or on the adjacent highway rights-of-way shall be located below natural grade.

3.9 No Certificate of Occupancy shall be issued for this site or for the improvements thereon until and unless all of the foregoing conditions have been met.

3.10 The applicant shall apply for and obtain a building permit no later than three (3) years from the date of this resolution.

3.11 The applicant shall apply for and obtain a Certificate of Occupancy no later than four (4) years from the date of this resolution.

I. VALIDITY OF APPROVAL

If any condition of this resolution is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

DATED: February 16, 2021

cc: Andrew Strong, Esq.
P.O. Box 2006
Amagansett, NY 11930

Planning Department
Building Inspector
Architectural Review Board