



TOWN OF EAST HAMPTON

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Planning Department
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February 24, 2023

TO: Planning Board

FROM: Eric Schantz
Assistant Planning Director

RE: Maidstone Acres II – Site Plan
SCTM#300-38-4-1 & 2
28 Maidstone Park Road, Springs

Last Reviewed: May 18, 2022

Items and Date Received:

- 06/03/22 Fire Marshal Comments
- 06/03/22 Public comments – M. Drew
- 06/03/22 Public comments – M. Drew
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- 06/03/22 Public comments – M. Drew
- 06/03/22 Public comments – M. Drew
- 06/03/22 Public comments – M. Drew
- 06/09/22 Applicant submission; Checklist with check #1914 in the amount of \$164.00 – additional fees
- 06/30/22 E-mail from applicant, re: incomplete submission
- 06/30/22 E-mail from applicant, re: request for an extension
- 07/01/22 Letter to applicant regarding extension request
- 07/06/22 Public comments – M. Drew
- 07/13/22 Public comments – M. Drew
- 07/13/22 Public comments – M. Drew
- 07/13/22 Public comments – M. Drew
- 07/13/22 Public comments – M. Drew
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- 07/18/22 Applicant submission; Cover letter re: Ten (10) copies of Preliminary Septic Evaluation Abstract prepared by TF Engineering dated June 28, 2022; Ten (10) copies of Application for the Public Access to Records (SCHD) dated May 27, 2022.
- 07/20/22 Public comments – M. Drew
- 07/22/22 Letter to J. Vlahadamis from S. Kramer Planning Board Chair re: Request for an adjournment.
- 08/03/22 Fire Marshal Comments
- 08/19/22 Letter from Planning Board S. Kramer to applicant J. Vlahadamis
- 08/23/22 Applicant submission; Cover letter re: Extension request
- 09/13/22 Applicant submission; cover letter re: Ten (10) hard copies of the comprehensive site sanitary plan (Sheet ST.1) prepared by Charles Philip Lembo dated May 4, 2022.
- 09/19/22 E-mail from N. Marshal Assistant Town Attorney to J. Vlahadamis
- 09/20/22 Applicant submission; Cover letter re: Ten (10) copies Proposed Septic System (Sheet SAN.1) prepared by Charles Philip Lembo dated May 2022 listed filing date for East Hampton September 12, 2022.
- 09/27/22 Applicant submission; Ten (10) copies of proposed sanitary plan dated May 2022 last dated September 12, 2022, for filing prepared by Charles Philip Architect.
- 10/25/22 Fire Marshal Comments
- 11/16/22 Fire Marshal Comments
- 12/2/22 Fire Marshal Comments

Background Information:

Site plan application has been made to add a four-space parking area and legalize a number of already-built structures including a walk-in refrigerator. A site plan application was previously submitted in May 2021 and deemed withdrawn in November 2021 due to inactivity of the applicants to respond to the Planning Board’s memorandum outlining outstanding items.

The site consists of two merged tax map parcels of 6,899 sq. ft. It is zoned NB: Neighborhood Business and is situated at the corner of Maidstone Park Road, Fanning Avenue and Richardson Avenue near Three Mile Harbor and Maidstone Park in Springs. All neighboring parcels are residential property. The site is 100% cleared of naturally occurring vegetation and contains a restaurant use and two single family residences. Single-family residence is considered to be a pre-existing nonconforming use in a NB zoning, while a restaurant use is considered to be a permitted use. Records indicate an approved seating capacity of 76 for the restaurant.

Pursuant to SEQRA and Chapter 128 of the Town Code the proposed project is a Type II action.

Issues for Discussion:

Zoning Board of Appeals (ZBA) Decision – Building Inspector Determination

By resolution dated November 1, 2022 the ZBA upheld the Building Inspector’s determination that the on-site activities, specifically the operation of numerous catering businesses, represented the addition of separate principal uses. Accordingly, such activities should cease immediately,

and the Planning Board should not approve any site improvements associated with, or which may facilitate such operations.

The Building Inspector's determination identifies on-site catering operations for the on-site restaurant as an otherwise permitted accessory use. However, it does not require that the Planning Board approve any structures such as loading areas, trailer storage areas, or parking which would be used in conjunction with this accessory use. Given the obvious constraints of the property that have already been discussed at length, the Planning Department recommends that the site plan be amended to remove any such structures, or should the applicants continue to propose them, that such an application ultimately be denied by the Board.

Building & Total Lot Coverage

The property is currently in excess of the allowable maximum building coverage (40%) and the proposed project will result in 2 sq. ft. (or 0.02%) of additional building coverage, otherwise necessitating a variance.

However, the Planning Department has discussed this issue with the Building Department, and both are in agreement that this negligible increase (less than one tenth of one percent) does not represent a practical increase in building coverage. Therefore, it does not appear that a variance will be required.

The provided coverage calculations indicate that the site would be (just) within conformance of permitted maximum total lot coverage. However, based upon a review of the site plan, it appears that this calculation was done incorrectly and that the site would be near 100% coverage under the currently proposed layout.

Sanitary System

The applicants have submitted a sanitary plan for the upgraded sanitary system. As a reminder to the Board, the property is required to be upgraded to a modern sanitary system at this time as the existing system consists large capacity cesspools. This upgrade is required irrespective of any site plan application.

The submitted plan does not provide test hole data identifying the depth to groundwater. It does not provide existing and proposed grades.

Outdoor Seating

At this time, given the incompleteness of the sanitary plan and the potential discrepancy of the total lot coverage figures, it is impossible to tell if the outdoor seating area (brick in sand patio with benches and stockade fencing) would even be feasible, both in terms of being able to be safely designed and if relief from the ZBA would be needed.

The Planning Department notes that under section 255-11-88 of the Town Code, a provision for temporary outdoor seating areas exists via an administrative process. The Planning Department recommends that the Board not approve any permanent outdoor seating areas at this time and that any future outdoor seating on this property be approved through this administrative process, which requires a yearly application and review.

Site Plan Elements

At the time of the last review, the Planning Department had detailed the outstanding items still required. These site plan elements remain unaddressed:

- The site plan (Sheet ST.1) prepared by Spaces Architecture dated May 4, 2022 is titled “Rita Cantina”. The name of the application is “Maidstone Acres II”
- The parking calculations should be revised to properly identify “existing” and “proposed” parking, with “existing” being all existing on-site spaces (which is zero right now) and all “proposed” on-site spaces (four as per the site plan)

Conclusion

In conclusion, the application is incomplete pending the resolution of the aforementioned issues and the submission of the required items.

The applicant has requested and received three extensions/adjournments since the time of the last review in May of 2022. Relatively basic site plan elements (including a proper title) remain absent. The ZBA’s determination since the time of the last review prohibits the operation of catering operations for businesses/uses not already approved for the site.

Although the Board may wish to discuss this with Counsel and, obviously, may disagree with the Planning Department’s assessment, the Department recommends the following specific requirements of the applicants and course of action by the Planning Board:

- The applicants should amend the site plan to remove all proposed (i.e. without necessary approvals, either currently on site or not) accessory structures from the site plan with the exception of the walk-in cooler. This includes but is not limited to: outdoor patios and seating areas, trailer storage areas, outdoor storage areas, employee parking areas, grills, fencing and exterior lighting.
- The applicants should amend the site plan to provide the proper application title: “Maidstone Acres II Site Plan”
- The applicants should amend the parking calculations as noted above.
- The Planning Board should give the applicants no more than thirty (30) days to complete the above tasks
- Once a complete submission is received, the Planning Board should schedule the application for a public hearing and subsequently render a determination within sixty-two (62) days, as mandated by the Town Code.

Alternatively, should the applicants not wish to amend the site plan as recommended by the Planning Department by removing the outdoor seating area, trailer parking, etc. then the Board should discuss whether or not it has enough information to properly evaluate the potential impacts of the proposal at this time and in turn deem the application complete and ready to be scheduled for a public hearing. Should this option be exercised, the Planning Department recommends that the application ultimately be denied based on its potential adverse impacts to

the surrounding neighborhood regarding traffic, circulation, noise, etc. which would result from the addition of structures and uses which would permit an intensification of use on the property.

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Planning Board Consensus:

Should the outstanding site plan elements and site plan amendments listed by the Planning Department be submitted?

Additional comments: _____

Additional Board Comments:

