

## DPA POSITION STATEMENT ON MONTAUK ISSUES

Although DPA's initial focus was on issues specific to Ditch Plains, the issues facing this hamlet affect all of us who love Montauk regardless of the locale of ones primary or secondary residence.

DPA, over the past 18 months, has actively engaged the East Hampton Town Board, the Zoning Board of Appeals, the Planning Board, the Planning, Natural Resources, Building and Code Enforcement Departments, and the Town Attorney's office on many of the issues currently being discussed.

The Current Issues and DPA's Position:

- 1) Lawlessness cannot continue.** Four police officers patrolling on Saturday nights is a woefully inadequate number. A strong message must be sent to those who disrespect our community with their abhorrent behavior. Given the limited resources, a significantly increased Police, Code Enforcement and Fire Marshall presence should be focused each weekend between the hours of 6pm to 4am (2am for Fire Marshall and Code Enforcement). Patrol cars should be stationed at all problem establishments, including after midnight at the 7-11. A mobile police command center for coordination and processing arrests should be placed in downtown Montauk, or the Montauk precinct should be modified accordingly. The over-serving of patrons at numerous establishments must be prosecuted. This must continue until the message is sent loud and clear. The miscreants will publicize among themselves through social media that Montauk is no longer a lawless town where anything goes. We need to follow the example of Fort Lauderdale and Hampton Bays to stomp this cancer out immediately. However, care should be exercised by the enforcement departments to focus on the identified problems rather than statistics enhancement.
- 2) Overcrowding and Noise.** The Town has very good regulations already in place to prosecute these issues. DPA believes that current resources must be diligently focused on those establishments and rental properties that actually represent the vast majority of the problems. It is obvious which establishments are consistently in

violation. The Fire Marshall, Code Enforcement, the State Liquor Authority, Police and the Suffolk Health Department must be called upon to intervene. A Town Ombudsman, perhaps someone like Alex Walter, must be assigned to coordinate this task force. Irrespective of Suffolk County lax standards, East Hampton Town should mandate that outdoor occupancy be realistically included in septic effluent calculations and be restricted according to the adequacy of the septic system. As for share houses, our enforcement departments should use any repeat noise complaints as a means to explore whether an illegal share house exists. Excessive cars in the driveway and overcrowding can easily be noted. Violating landlords and tenants must be issued summonses and be called into court. All Landlords and Real Estate Agents should be encouraged to use Leases that explicitly limit occupancy with Lease termination and large explicit tenant financial penalties spelled out for occupancy violations. Reasonable Landlord access must be stipulated in the Lease. Landlords should be called upon to remedy the situation or face further prosecution. Repeat offenders must be the focus.

- 3) **Amend the Motel Law.** The recently enacted Accessory Restaurant and Bar Motel Law must be amended to include the written recommendations provided to the Town Board by DPA and CCOM attorney Christopher Kelley to close loopholes that will allow these type of establishments to morph into clubs and continue to create the duly noted quality of life problems. Notably no establishment that does not comply with all provisions under the Town Code should be permitted to expand. Any permitted expansion must mandate that the septic system for the entire establishment meet current standards. Currently permitted 20 foot setbacks to residential zones for outdoor bar and restaurant use is grossly inadequate.
- 4) **Town Attorney Prosecution.** Fines for all violations should be increased to the maximum extent permitted. Cases must be prosecuted rather than plea-bargained to deter violators from treating the violations as simply an added cost of doing business. Repeat violators should be subject to the amortization of their pre-existing non-conforming status as was done successfully in Hampton Bays.
- 5) **Septic Contamination.** The Building Inspectors Office must obtain sign off from the Natural Resources department before any pre-existing non-conforming commercial property can obtain a building permit in order to verify that their septic system is adequate based on current standards. ZBA variances and Planning Board approvals must

- be conditioned on the same. All violators of occupancy rules should be compelled to certify their septic system capability. Limited site plan review should be available for any septic upgrade to encourage such upgrade.
- 6) **Parking.** Off site parking must be secured by all businesses that create public or residential quality of life problems. Spillover parking into residential neighborhoods must not be permitted and parking rules must be adopted to prevent such occurrence. In the absence of private parking facilities, the leasing of Town property for parking should be explored. Market rates for such leasing will generate badly needed income for the Town.
  - 7) **Town Finances and Permits.** It is time for the Town to examine a property value reassessment (this is not necessary a tax increase but a reallocation of the tax burden). Some commercial properties have enjoyed staggering growth and disproportionately large increases in property values. Most of these commercial operations are the same ones that have caused a large increase in Town expenses for sanitation and enforcement. They have been a cause for the degradation of resident quality of life and quite likely an increase in septic effluent. Non-resident parking passes should be increased in price and limited in number. Beach driving permits should only be issued for residents.
  - 8) **Taxi Regulation and Public Transportation.** A taxi commission either through Suffolk County or by the Town must be set up and rates must be set to prevent price gauging. Driver and company background checks are necessary. Off-street taxi standing areas must be mandated and enforced. Aggressive driving must be aggressively penalized. A public or private bus service should be implemented to run every weekend until 2am that could dramatically reduce the need for taxis and greatly improve parking problems.
  - 9) **Planning Board and ZBA.** Decisions must place greater emphasis on the tenets of the Town Comprehensive Plan with a particular focus on quality of life, septic contamination, and responsible coastal policy. DPA is encouraged that recent ZBA decisions have done just that.