



MAILING ADDRESS:
Post Office Box 9398
Riverhead, New York 11901-9398
MAIN OFFICE:
33 West Second Street
Riverhead, New York 11901-9398
Telephone: 631.727.2180
Facsimile: 631.727.1767
www.suffolkclaw.com

ckelley@suffolkclaw.com
Extension 223
Direct Dial: 631-574-1252

Thomas A. Twomey, Jr.
(1945 - 2014)
Stephen B. Latham
John F. Shea, III
Christopher D. Kelley
David M. Dubin ◊
Jay P. Quartararo †
Peter M. Mott
Janice L. Snead
Anne Marie Goodale
Bryan C. Van Cott ♦
Kathryn Dalli
Laura I. Dunathan
Lisa Clare Kombrink
Patrick B. Fife
Melissa H. Sidor
Martin D. Finnegan ◊

Kelly E. Kinirons
Lauren E. Stiles
Patricia J. Russell
Reza Ebrahimi
Bryan J. Drago
Bernadette E. Tuthill
Craig H. Handler
Alexandra Halsey-Storch
Melissa S. Doris

OF COUNSEL
Kevin M. Fox
Karen A. Hoeg
Jennifer P. Nigro ♦

◊ NY & LA BARS
† LL.M. IN TAXATION
♦ NY & NJ BARS
◊ NY, NJ & PA BARS

June 18, 2015

Mr. Larry Cantwell, Supervisor
East Hampton Town Board
300 Pantigo Place Suite 105
East Hampton, NY 11937

Re: Proposed Regulation of Restaurants and Bars as Accessory Uses to Motels and Resorts

Dear Supervisor Cantwell and Members of the Board:

This office represents the Ditch Plains Association and Concerned Citizens of Montauk and submits the following comments on proposed Resolution #15409 regarding accessory restaurants and bars.

First we would like to congratulate the Town Board on taking affirmative action in dealing with the growing problem of the proliferation of nightclubs as well as restaurants and bars in an area with a high density of motels and resorts, namely Montauk. We believe the Town has focused on good objectives in regulating this very problematic set of accessory uses when conducted in conjunction with a primary use of a motel or other multiple residence. The provisions proposed for §255-11-88 seem particularly important and should go a long way towards addressing the problem. However, we think additional standards particularly in §255-5-50 are appropriate in order to deal with this significant problem.

First, we propose an additional criterion at §255-5-50(3) for Special Permit approval under §255-5-50. The criterion would be that any accessory use of a restaurant or bar be restricted to being accessory to the resort/motel use and truly incidental thereto. Thus, we believe the service of such restaurant or bar should be limited to the guests of the resort/motel. Otherwise it is simply a dual use allowing two intense uses of a property rather than one incidental to the other.

Second, the special permit criteria should include the requirement that in order to be permitted to apply for a special permit for an accessory/restaurant, a transient

OTHER OFFICE LOCATIONS:
20 Main Street
East Hampton, NY 11937
631.324.1200

51 Hill Street
Southampton, NY 11968
631.287.0090

490 Wheeler Road
Suite 165G
Hauppauge, NY 11788
631.265.1414

56340 Main Road
P.O. Box 325
Southold, NY 11971
631.765.2300

motel or resort should demonstrate compliance with all current town code criteria for a motel with a minimum of 25 rooms. The point is not to have preexisting nonconforming motels, which already lack some of the important conditions and safeguards of a legal motel/resort have yet another use compounding the nonconformity.

Third, we propose that there be no outdoor dining or bar service allowed for the accessory uses, which is not necessary to provide food and beverage services for motel guests. Alternatively, if outdoor use is permitted, the setbacks for such outdoor use should be at least that which is required for the principle structure. This is particularly important when the use is located adjacent to residential property. This includes the front yard, which is not addressed at all in the proposed law.

Fourth, we propose the law include a prohibition against outdoor music of any kind or live music inside if the restaurant or bar is adjacent to a residential zone.

Fifth, we propose that the approval of accessory uses of a bar or restaurant be contingent on all septic systems on the property, both those associated with the accessory use and all other septic systems for preexisting uses being upgraded so as to be fully compliant with Suffolk County Department of Health Services and East Hampton town standards.

Sixth, we believe the accessory uses of a restaurant and bar should be limited to covering a maximum of 20% of the gross floor area or 2000 sq. feet whichever is smaller inclusive of the kitchen, dining room and service facilities. Likewise a single bar covering a maximum of 10 percent of the gross floor area or 1000 sq. feet, whichever is smaller, should be inclusive of the service area for patrons and service facilities. The maximums in the code should not just apply to the seating area but should limit the whole operation.

In closing we thank the Board for its efforts and urge the Board to take these comments into consideration in enacting the best possible regulatory scheme possible.

Sincerely,


Christopher Kelley

CK/dma