



**EH Town Zoning Board of Appeals**

300 Pantigo Place  
East Hampton, NY 11937

Denise Savarese  
Telephone: (631) 324-8816

**EH Town Zoning Board of Appeals meeting of December 5,  
2017  
East Hampton, New York**

**I. CALL TO ORDER**

12:00 AM Meeting called to order on December 5, 2017 at Town Hall Meeting Room, 159 Pantigo Road, East Hampton, NY.

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>	<b>Arrived</b>
Chairman John P. Whelan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Theresa Berger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Roy Dalene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Cate Rogers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member David Lys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**II. CANCELLED PUBLIC HEARING:**

**A. *Safe Harbor***

**III. SCHEDULED PUBLIC HEARINGS:**

**A. *William Shea & The William Shea 2013 Trust***

TIME: 6:30:00 PM

APPLICANT: William Shea & The William Shea 2013 Trust

SIZE/LOCATION: 10,128 sq. ft. (total), 65 Beach Avenue, Beach Hampton, Section 3, block 3, lots 20-22, map # 1287, Amagansett (300-177-01-22)

DESCRIPTION: To construct a 450 sq. ft. swimming pool with approximately 250 sq. ft. of pool patio and walkway within jurisdiction and setbacks of freshwater wetlands and dune vegetation.

RELIEF SOUGHT: Two variances and a Natural Resources Special Permit pursuant to 255-4-20 of the

East Hampton Town Code are required for this application. Variances of 16 and 20 are required from 255-4-30 of the Town Code to construct the swimming pool 84 and pool patio 80 from freshwater wetlands where 100 setbacks are required, and any other relief necessary.

ZONING DISTRICT: B Residence AE Flood Zone, elevation 10

SEQRA CLASS: Type II

**i. Technical Analysis Memorandum**

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Tyler Borsack

Date completed: September 8, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 65 Beach Avenue Subdivision

School District: Amagansett Special Permit

Zoning District: B Residence Zone Change

Overlay District: N/A Variance XX

Tax Map Number: 300-177-01-22 Natural Resources

Applicant: William Shea & The William Special Permit XX

Shea 2013 Trust Other:

C/O Madeline VenJohn, Esq.

Tarbet & Lester, PLLC

132 North Main Street, 1st Floor

East Hampton, NY 11937

Telephone: 631-907-3500

FEMA ZONE: AE 10 Flood Zone, X Flood Zone

Soil Type: Dune land (Du)

Map of Property: Beach Hampton, Section 3, block 3, lots 20-22, map # 1287

Size of Parcel: 10,128 sq. ft. (total)

**Project Description:**

To construct a 450 sq. ft. swimming pool with approximately 250 sq. ft. of pool patio and walkway within jurisdiction and setbacks of freshwater wetlands and dune vegetation.

**Relief Requested:**

Two variances and a Natural Resources Special Permit pursuant to ?255-4-20 of the East Hampton Town Code are required for this application. Variances of 16? and 20? are required from ?255-4-30 of the Town Code to construct the swimming pool 84? and pool patio 80? from freshwater wetlands where 100? setbacks are required, and any other relief necessary.

**Property Conditions and History:**

The property is currently improved with an approximately 1,400 sq. ft. two story residence with associated decking. The most recent certificate of occupancy was issued on December 30, 2016 for a ?683 sq. ft. first floor, 704 sq. ft. second floor, frame, single family residence having one kitchen only, containing a total of three bedrooms only with 64 sq. ft. utility room 64 sq. ft. storage room; 92 sq. ft. second story deck, 168 sq. ft. front deck and 438 sq. ft. rear deck?. All of the proposed structures can be seen on the Gary Benz, L.S. survey dated revised March 2, 2017.

**Planning Department Analysis and Recommendations for the Boards Consideration:**

The property is located within the Beach Hampton area of Amagansett. The Beach Hampton area is composed of numerous non-conforming lots. These lots were established in the early 1900?s for cottage style summer residences. The parcel in question is of sub-standard size for a B-Residential zoning district at 10,128 sq. ft. The wetlands located to the north of the property represent an important ecological characteristic of the Beach Hampton area. In addition to diversifying the landscape, the wetlands within Beach Hampton play a significant role in the storage of water and flood control. Certain areas of Beach Hampton have seen chronic flooding over the years, which can be attributed to a high ground water table and increases in impervious surfaces combined with rain events. Beyond flood control, the wetlands are an important part of the habitat of a variety of wildlife species.

The application is proposing a 450 sq. ft. swimming pool with approximately 250 sq. ft. of stone patio with a small walkway between the existing decking and the proposed pool. The swimming pool is proposed 84? from the wetlands to the northwest with the proposed patio 80? from the edge of the freshwater wetlands. The clearing associated with the proposed construction is all dune land vegetation and accounts for an additional 860 sq. ft. of clearing, from 2,500 sq. ft. to 3,360 sq. ft. The swimming pool and patio are located up against the required 20? setback from the northern and southern side yard lot lines.

The Planning Department recommends that the Board look closely at the amount of disturbance required to construct the swimming pool and patio. The major concern on this application is the high quality dune land to the rear of the property and the Board should examine and discuss if they are comfortable with this level of disturbance or if a smaller swimming pool would be more appropriate for the constraints of the property. Approving this pool could set a precedent for other comparable properties in the area and the Board should discuss if they are comfortable with approving similar applications on similarly constrained properties. The wetlands that the project is within setbacks of is located on a Town owned property with a residence situated between the proposed project and the wetlands. There is no location available on this property that is outside of a 100' setback from the wetlands and that also meets the required 20' side yard lot line setbacks.

The Zoning Board needs to decide if the application meets the variance standards in ?255-8-50. The applicant needs to show that the proposed project will not create a detriment to nearby properties, that the benefits cannot be achieved by some other method, that the project is not substantial, and will not have an adverse impact on the physical or environmental conditions.

The applicant must demonstrate compliance with the NRSP standards of ? 255-5-51 of the Town Code in order to be eligible for the issuance of the requested NRSP. Specifically;

D. Preservation of natural resources. All structures and uses, other than coastal structures, shall be located on upland and shall be located so that no natural resource, feature, or system designated in ? 255-4-12 hereof will be diminished in size, polluted, degraded, or lost, or placed in peril thereof, in order to establish such structure or use.

The applicant must also demonstrate compliance with the general standards of ?255-5-40 of the Town Code. Specifically;

D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact 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.

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...

Recommended Project Conditions:

1. Sediment control fencing consisting of staked straw bales with silt mesh fencing shall be erected in the location depicted on the Planning Department sketch dated 9/8/17 to prevent erosion and sedimentation. The fencing shall be installed and maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control manual prior to the commencement and for the duration of construction activities. The fencing shall be repaired or replaced as necessary to maintain proper function.
2. Prior to the issuance of a building permit, the Board, or their delegate, shall inspect the project limiting fencing for proper installation.
3. All structures should be situated at least 2? above the seasonal high groundwater table.
4. The swimming pool should utilize a chlorine reducing sanitation system and all pool water should be discharged into a drywell located at least 100? from the wetlands on the survey
5. The clearing of vegetation shall be strictly limited to the boundaries established by the Board and depicted on the approved survey.
6. All areas disturbed by construction activities should be revegetated with Beach Grass (*Ammophila breviligulata*) planted 12? on centers in culms of three or more in staggered rows
7. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

### **B. *John and Patricia Dankowitz***

TIME: 6:50:00 PM APPLICANT: John and Patricia Dankowitz

SIZE/LOCATION: 52,574 sq. ft. (total), 107A & 107B Isle of Wight Road, Lion Head Beach, lots 27 & 29, map no. 3451, Springs (300-023-02-16& 18)

DESCRIPTION: To combine two lots in order to construct an approximately 1,600 sq. ft. two story addition with upgraded sanitary system, a 375 sq. ft. swimming pool with 200 sq. ft. pool house, pool equipment, outdoor shower, and new sanitary system, a new slate walkway, and roll-out wooden walkway to the shore within jurisdiction and setbacks of tidal wetlands, bluffs, and side yard lot line setbacks.

RELIEF SOUGHT: Eight variances and a Natural Resources Special Permit pursuant to 255-4-20 of the East Hampton Town Code are required for this application. Variances of 4.4, 6.7, 5, and 5 are require from 255-4-30 of the Town Code to construct the swimming pool 95.6, pool house 93.3, pool equipment 95, and house addition 95, respectively, from tidal wetlands where a 100? setback is required. One variance of 50 is required from 255-4-30 of the Town Code to construct the new pool house sanitary system 150 from tidal wetlands where a 200? setback is required. Variances of 12.4?, 14?, and 15.5? are required from ?255-4-40 of the Town Code to construct the swimming pool 87.6?, pool equipment 86?, and pool house 84.5?, respectively, from the bluff crest where a 100? setback is required.

One variance of 4.3? is required from ?255-11-10 of the Town Code to construct the addition 15.7? from the side yard lot line where a 20? setback is required, and any other relief necessary.

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

**i. Technical Analysis Memorandum**

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Tyler Borsack

Date completed: September 8, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 107A & 107B Isle of Wight Road Subdivision

School District: Springs Special Permit

Zoning District: B Residence Zone Change

Overlay District: Harbor Protection Overlay District Variance XX

Tax Map Number: 300-023-02-16 & 18 Natural Resources

Applicant: John and Patricia Dankowitz Special Permit  
XX

C/O David Kirst, Esq. Other:

Matthews, Kirst & Cooley, PLLC

241 Pantigo Road

East Hampton, NY 11937

Telephone: 631-324-5909

FEMA ZONE: X Flood Zone, VE 8 Flood Zone

Soil Type: Carver and Plymouth sands, 3-15% slopes (CpC)

Map of Property: Lion Head Beach, lots 27 & 29, map no. 3451

Size of Parcel: 52,574 sq. ft. (total)

**Project Description:**

To construct an approximately 1,600 sq. ft. two story addition with upgraded sanitary system, a 375 sq. ft. swimming pool with 200 sq. ft. pool house, pool equipment, outdoor shower, and new sanitary system, a new slate walkway, and roll-out wooden walkway to the shore within jurisdiction and setbacks of tidal wetlands, bluffs, and side yard lot line setbacks.

**Relief Requested:**

Eight variances and a Natural Resources Special Permit pursuant to ?255-4-20 of the East Hampton Town Code are required for this application. Variances of 4.4?, 6.7?, 5?, and 5? are require from ?255-4-30 of the Town Code to construct the swimming pool 95.6?, pool house 93.3?, pool equipment 95?, and house addition 95?, respectively, from tidal wetlands where a 100? setback is required. One variance of 50? is required from ?255-4-30 of the Town Code to construct the new pool house sanitary system 150? from tidal wetlands where a 200? setback is required. Variances of 12.4?, 14?, and 15.5? are required from ?255-4-40 of the Town Code to construct the swimming pool 87.6?, pool equipment 86?, and pool house 84.5?, respectively, from the bluff crest where a 100? setback is required. One variance of 4.3? is required from ?255-11-10 of the Town Code to construct the addition 15.7? from the side yard lot line where a 20? setback is required, and any other relief necessary.

**Property Conditions and History:**

The southern property (107A) is currently improved with an approximately 2,600 sq. ft. residence with first and second story decking, driveway with retaining wall, walkway, and sanitary system. The northern property (107B) is uncleared and unimproved with no C.O. on file. All of the proposed structures can be seen on the George Walbridge Surveyors, P.C. survey dated revised April 24, 2017. The northern property (107B) appeared before the ZBA in 1995 and again in 2008 for a 1,804 sq. ft. two story residence with 760 sq. ft. of decking which was not constructed. The southern property (107A) has appeared before the ZBA four times previously for additions to the residence and improvements to the property.

**Planning Department Analysis and Recommendations for the Boards Consideration:**

The project before the Zoning Board is to combine two existing separate properties into one lot and to construct approximately 1,600 sq. ft. of additions to the existing residence with an upgraded sanitary system, in addition to a swimming pool and pool house with new sanitary system, outdoor shower, and walkways. The northern lot (SCTM# 300-023-02-16, 107B Isle of Wight) was granted approval to construct a 1,804 sq. ft. two story residence

with 760 sq. ft. of decking, a new sanitary system, well, and 7,486 sq. ft. of clearing in 2009.

The improvements proposed include a 1,600 sq. ft. addition to the existing approximately 2,600 sq. ft. residence with upgraded sanitary system, a new 375 sq. ft. swimming pool, pool equipment, and a 200 sq. ft. pool house with outdoor shower and new sanitary system. Both sanitary systems are located in some of the most conforming locations available on the property. The upgrade sanitary system for the residence is located 147.9' from the tidal wetlands where in the Harbor Protection Overlay District requires a setback of 150' or 'shall be set back the maximum practicable distance' which is the case for this system. The sanitary system proposed for the pool house is located exactly 150' from tidal wetlands where 200' is required for a new system. However, because the lot is a flag lot, separation to the tidal wetlands any more than proposed is likely not possible without putting the leaching pool much further up the flag strip and pumping uphill.

It's important to compare the current application with the 2009 approval that could potentially still be constructed on the northern lot since that approval will disappear if the current application is approved, swapping of one approval for another. The 2009 approval on the northern lot (107B) granted 3 variances, to allow residence to be 73', decking 68.7', and sanitary system 68.6' from the wetlands. The additional sanitary system for the pool house would be the greatest increase in setback compared to the previous application, as well as a presumable lesser flow rate, increasing from the 2009 approved 113.4' setback to the proposed 150'. The swimming pool and pool house are also both increasing their setback compared to the approved residence and decking which are increasing from 68.6' at the closest point to 93.3' on the northern property. Bluff crest setbacks were only 50' in that application because the lot is less than 40,000 sq. ft. Since the two lots are proposed to be combined, the increased lot area jumps the combined property up to the 100' bluff crest setback requirement which adds the necessity for bluff crest setback variances where there were none in the previous approval.

Additionally, comparing the size of the proposed addition to the approved residence on the northern lot ends up being a decrease in living space, from the approved 1,804 sq. ft. residence to a proposed 1,600 sq. ft. addition. It's worth noting that this addition would make this one of the largest residences in the area, if not the largest. However, the combination of the two properties does provide a very unique circumstance and the property would end up being one of the largest properties that fronts on Hog Creek, aside from possibly the Girl Scouts property to the south and the two property owners association lots at the inlet. The Planning Department also believes that the project as a whole would have less of an impact, when taken in conjunction with the mitigation measures, compared to having the northern lot improved with what was approved in 2009.

By combining the two lots and reducing the amount of clearing required compared to the 2009 application, the preexisting nonconforming clearing on the southern lot will be incorporated into the limited clearing proposed for the northern lot and will result in a



conforming clearing envelope for the two lots combined, 12,299 sq. ft. proposed where 12,323 sq. ft. is the maximum allowable. Total coverage approved in the 2009 determination was 2,902 sq. ft. with the total coverage on the proposed project to decrease because, in part, of the reduction of the extensive existing driveway.

The application is proposing a roll-out wooden walkway from the existing path down to Hog Creek. This walkway is shown on the survey to extend past the delineated wetland line. The Planning Department would recommend reducing that walkway so as to not extend into the wetland area. Ending the walkway at the 4' or 6' contour lines shown on the survey would allow for a reasonable access while not encroaching onto the wetlands unnecessarily. If the Board requires a scenic easement along the shoreline it should be written to incorporate and allow the access and walkway.

Included in the mitigation for the previous approval on 107B was a large scenic easement along the wetland and bluff with an additional buffer. The Planning Department is recommending a scenic easement on the current application as well which includes everything seaward and an approximately 50' buffer to the bluff crest and wetlands. This will help to protect this relatively undisturbed area in perpetuity while providing an essential buffer to the bluff crest and tidal wetlands of Hog Creek on a property which will be near the maximum allowable clearing. Additionally, the Planning Department is recommending a Large Lot easement so the property cannot be subdivided again in the future since it can be assumed that if approved the increased size of the residence would be because of the combination of the two properties and the removal of a buildable property.

The parcel is located within the Harbor Protection Overlay District contiguous with the waters of Hog Creek. Hog Creek is a direct conduit to the waters of Gardiner's Bay and a component of the Peconic Estuary Critical Environmental Area. It has the highest water quality rating (SA) available for surface waters although Hog Creek is subject to seasonal shell fishing restrictions between April 1 and December 14 each year. The tidal wetlands on the subject property can be expected to provide all of the benefits typically associated with high quality wetlands including the provision of diverse, high quality plant and wildlife habitats, nursery areas for commercially important shellfish and fin fish, the attenuation of floodwaters, the removal of pollutants prior to groundwater and surface water recharge, and opportunities for scientific research, education and aesthetic appreciation. Any increase in development within this area has the potential to increase stormwater runoff into Hog Creek. It should be known that Hog Creek provides important habitat for over-wintering waterfowl.

The Zoning Board needs to decide if the application meets the variance standards in ?255-8-50. The applicant needs to show that the proposed project will not create a detriment to nearby properties, that the benefits cannot be achieved by some other method, that the project is not substantial, and will not have an adverse impact on the physical or environmental conditions.

The applicant must demonstrate compliance with the NRSP standards of ? 255-5-51 of the Town Code in order to be eligible for the issuance of the requested NRSP. Specifically;

D. Preservation of natural resources. All structures and uses, other than coastal structures, shall be located on upland and shall be located so that no natural resource, feature, or system designated in ? 255-4-12 hereof will be diminished in size, polluted, degraded, or lost, or placed in peril thereof, in order to establish such structure or use.

The applicant must also demonstrate compliance with the general standards of ?255-5-40 of the Town Code. Specifically;

D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact 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.

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...

#### Recommended Project Conditions:

1. Sediment control fencing consisting of staked straw bales with silt mesh fencing shall be erected in the location depicted on the Planning Department sketch dated 9/8/17 to prevent erosion and sedimentation. The fencing shall be installed and maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control manual prior to the commencement and for the duration of construction activities. The fencing shall be repaired or replaced as necessary to maintain proper function.

2. Prior to the issuance of a building permit, the Board, or their delegate, shall inspect the project limiting fencing for proper installation.

3. A scenic easement shall be established in the location depicted on the Planning Departments sketch dated 9/8/17. The easement should allow for the construction and maintenance of the wood walkway if approved. The easement, along with the approved survey depicting the location of scenic easement shall be submitted in acceptable form to the Zoning Board of Appeals Office for approval by Counsel to this Board, prior to the issuance of a Building Permit. The Town Board must accept and the applicant must file with the Suffolk County Clerk's Office the scenic easement. The original easement shall be returned the East Hampton Town Clerk's Office. Proof of filing must be presented to the Zoning Board before a Certificate of Occupancy can be issued.

4. A Large Lot easement shall be established over the newly combined property. The easement, shall be submitted in acceptable form to the Zoning Board of Appeals Office for approval by Counsel to this Board, prior to the issuance of a Building Permit. The Town Board must accept and the applicant must file with the Suffolk County Clerk's Office the large lot easement. The original easement shall be returned the East Hampton Town Clerk's Office. Proof of filing must be presented to the Zoning Board before a Certificate of Occupancy can be issued
5. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk prior to the issuance of a building permit.
6. The residence should be furnished with gutters and leaders to direct stormwater from roofs into one or more catchment basins. Said catchment basin or basins should have a combined volume (in cubic feet) equal to the surface area of the roof (in square feet), divided by six. Said catchment basin should be made available for inspection by the building inspector prior to backfill.
7. All structures should be situated at least 2' above the seasonal high groundwater table.
8. The driveway should be composed of only of a clean, local, water-pervious quartz gravel surface.
9. The clearing of vegetation shall be strictly limited to the boundaries established by the Board and depicted on the approved survey.
10. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of the appropriate paragraphs of this determination in standard form acceptable to and approved by Counsel to this Board. The said declaration shall provide for its modification or termination only upon the approval of the East Hampton Town Zoning Board of Appeals, after a public hearing held on ten (10) days' notice. Said declaration.
11. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

### **C. *Strandkorb LLC***

TIME: 7:10:00 PM APPLICANT: Strandkorb, LLC

SIZE/LOCATION: 15,104 sq. ft., 67 Shore Rd., Map No. 2438; Montauk-On-Sea Lots 118 & 120; Section A, Amagansett (300-131-07-40)

DESCRIPTION: To demolish the existing 2,600 sq. ft. residence and construct a 3,075 sq. ft. two story residence with a 589 sq. ft. garage, a 315 sq. ft. pool and 998 sq. ft. of patio, decking and walkways on a parcel of dune land with beach vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code.

ZONING DISTRICT: B Residence, Zone X Flood Zone

SEQRA CLASS: Type II

**i. Technical Analysis Memorandum**

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Lisa D?Andrea

Date completed: September 11, 2017 Site Plan

SEQRA class: Type IISub Waiver

Physical Location: 67 Shore Rd. Subdivision

School District: Amagansett Special Permit

Zoning District: B Residence

Zone Change

Overlay District Variance

Tax Map Number: 300-131-07-4.1 Natural Resources

Special Permit XX

Applicant: Strandkorb, LLC

c/o Billy Hajek Land Planning

PO Box 5116

East Hampton, N.Y. 11937

Telephone: (631) 235-3545

FEMA ZONE: Flood Zone X; Flood Zone AE 10

Soil Type: Dune land (Du)

Map of Property: Map No. 2438; Montauk-On-Sea Lots 118 & 120; Section A

Size of Parcel: 15,104 sq. ft.

**Project Description:** To demolish the existing 2,600 sq. ft. residence and construct a 3,075 sq. ft. two story residence with a 589 sq. ft. garage, a 315 sq. ft. pool and 998 sq. ft. of patio, decking and walkways on a parcel of dune land with beach vegetation.

**Relief Requested:** A Natural Resources Special Permit pursuant to ? 255-4-20 of the Town Code.

#### Property and History:

The premises are on the landward side of Shore Rd. in the subdivision known as Montauk-On-Sea. It is improved with a two story residence with a garage underneath. The original house was constructed prior to zoning. Construction of a 252 sq. ft. addition and a 300 sq. ft. deck in 1985 was determined not to require a NRSP.

The most recent Certificate of Occupancy (CO) was issued February 24, 2009. It states that the residence is one story but the survey attached to the CO labels the residence as two story. The residence is clearly a two story structure and the estimated square footage of the habitable space is approximately 2,600 sq. ft.

All existing and proposed structures are depicted on Saskas Surveying survey dated revised June 14, 2017. Building plans by SLR Architects dated June 27, 2017 and landscaping plans by LaGuardia Design Landscape Architects dated June 26, 2017 were received by the Board on July 18, 2017.

#### Planning Department Analysis and Recommendations for the Board's Consideration:

A lot inspection conducted in 2015 indicated that the dune land around the existing house was somewhat disturbed. However, the western third of the property the dune land has protected beach vegetation and dune land. The lot inspection specified that a NRSP would be required for any further disturbance to the land. It appears that the applicant has made an effort to design the project so as to minimize the disturbance in the western portion of the property which contains the beach vegetation and dune land habitat characteristics. The area where the new sanitary system is proposed is vegetated primarily with *Rosa rugosa* which can be considered naturalized but none-the-less is not a native species.

The house is proposed to be demolished and the new house will be located in roughly the same location. However, the applicant is also proposing a 598 sq. ft. detached garage, a pool and a 998 sq. ft. patio area in addition to replacing the house. The building coverage will almost be doubled and will only be 5 sq. ft. under the maximum allowed. The total lot coverage will increase from 22% to 35%. Permitted Gross Floor Area (GFA) is 3,110 sq. ft.

The proposed GFA is 3,075 sq. ft. or about 35 sq. ft. below the maximum allowed. The proposed clearing for construction activities will be slightly less than the maximum permitted. An extensive revegetation is proposed post construction but it will result in 6% more clearing than exists now. The new sanitary system being proposed will be an environmental improvement.

A revegetation plan has been proposed for this project. While the plantings proposed are native plants, the size and type of the specimens are of concern. The Planning Department is concerned some of the trees and shrubs proposed are not that well suited to dune land habitat and will require fertilizer and irrigation not only to get established but for maintenance as well. Revegetation plantings should restore the native species that were removed and thus should not require supplemental fertilization or irrigation. The Planning Department offers to work with the applicant at the Board's direction on a revision of the proposed plan.

Montauk-on-Sea is a beach community subdivision located in a B Residential zone. It is comprised of pre-existing non-conforming lots that are substandard in regards to lot size in a B Residential zone. This project is an aggressive redevelopment of the property. Some of the questions the Board needs to consider are: Is this project representative of orderly growth, is it in keeping with the character of the neighborhood and is the proposed project in keeping with the proper use of the land?

The Board must determine if the project complies with the general standards of ? 255-5-40 for the issuance of a special permit. Town Code ?255-5-51 (Specific standards and safeguards for natural resources special permits) paragraph C. stipulates that the project must be found to be compatible with the purposes set forth in ? 255-1-11 (Purposes of zoning) and ? 255-4-10 (Purposes of protection of natural resources) of the Town Code.

#### Recommended Project Conditions:

- a. Project limiting fencing consisting of 4' plastic safety or snow fence shall be erected in the location depicted on the attached Planning Department sketch dated September 11, 2017 to prevent sedimentation of the wetlands. The fencing shall be installed and maintained in accordance with the New York State Standards and Specifications for Erosion and Sediment Control manual prior to the commencement and for the duration of construction activities. The fencing shall be repaired or replaced as necessary to maintain proper function.
- b. Prior to the issuance of a building permit, the Board, or their delegate, shall inspect the project limiting fencing for proper installation.

- c. All areas disturbed by construction activities should be revegetated with Beach Grass (*Ammophila breviligulata*) planted 12" on centers in culms of three or more in staggered rows.
  
- d. The Dune land soils excavated for the approved structures shall be retained on site and used for backfill and top dressing to facilitate the retention of the dune land character and the recolonization of disturbed areas with indigenous dune land species.
  
- e. A revised revegetation plan that indicates the locations, species, size and spacing shall be submitted to the Board for approval prior to the issuance of a building permit. The plan shall be implemented and inspected by the Board or their delegate prior to the issuance of a Certificate of Occupancy.
  
- f. The establishment of turf, lawn, sod or ornamental vegetation should be prohibited.
  
- g. The residence and detached garage should be furnished with gutters and leaders to direct stormwater from roofs into one or more catchment basins. Said catchment basin or basins should have a combined volume (in cubic feet) equal to the surface area of the roof (in square feet), divided by six. Said catchment basin should be made available for inspection by the building inspector prior to backfill.
  
- h. All structures should be situated at least 2' above the seasonal high groundwater table.
  
- i. The swimming pool should utilize a chlorine reducing sanitation system and all pool water should be discharged into a drywell.
  
- j. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

#### **IV. WORK SESSION:**

#### **V. BOARD DETERMINATIONS:**

##### **A. *Alplanalp***

Tabled from last Work Session

##### **B. *MacPherson***

Tabled from last Work Session

##### **C. *My Wife Really Likes It***

Letter from Elizabeth Vail requesting a third 60 day adjournment.

#### **VI. BOARD DECISIONS:**

##### **A. *Irving Paler***

APPLICANT: Irving Paler

SIZE/LOCATION: 3.2 acres (total), 124 Beach Lane, Wainscott (300-202-02-08.2, 8.1 & 9)

DESCRIPTION: To demolish an existing residence and swimming pool and to construct a new 8,448 sq. ft. two-story residence with 4,187 sq. ft. of patio or 1st and 2nd story decking, a swimming pool and new sanitary system on a parcel of land located within the Town's jurisdiction of wetlands and containing barrier dunes, beaches and beach vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to ? 255-4-20 of the Town Code.

The structures have been proposed 100.6' from the barrier (primary) dune crest and 100.3' from the wetlands.

ZONING DISTRICT: A2 Residence AE Flood Zone, el. 16'; VE Flood Zone, el. 18'

SEQRA CLASS: Type II

##### **B. *Farrell***

APPLICANT: Farrell

SIZE/LOCATION: 50,041 sq. ft. total, 5 Agnew Ave., Montauk (300-032-06-92)



DESCRIPTION: To construct a 4,647 sq. ft. two story residence, a 220 sq. ft. detached garage, 648 sq.

ft. pool with a spa, and a sanitary system on a parcel of land with wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to ?255-4-20 of the Town Code and any

relief necessary.

ZONING DISTRICT: A10, Zone X Flood Zone

SEQRA CLASS: Type II

### **C. Dittmer**

Applicant: Henry Dittmer

SIZE/LOCATION: 1.9 Acres, 5 & 7 Park Street & 621 Stephen Hands path, Cobblers Hill Height, Sec II Map#284, East Hampton (300-136-06-01.1, 2.1, 4, 5)

DESCRIPTION: Subdivision of a 1.9 acre parcel into two lots that both lack the minimum lot width required under zoning.

RELIEF SOUGHT: Variances from ? 255-11-10 (Table III) of the Town Code and any other relief necessary. The following variances are required: (1) a 40? wide lot width variance is required to allow for the creation a 120? wide parcel where 160? is the minimum required (Parcel 1); (2) a 40? wide lot width variance to allow for the creation a second 120? wide

parcel where 160? is the minimum required (Parcel 2).

ZONING DISTRICT: A Residence Zone X Flood Zone

SEQRA CLASS: Unlisted

### **D. Montauk Energy**

APPLICANT: Montauk Energy Storage Center, LLC

SIZE/LOCATION: 19,726 sq. ft., 10 North Shore Road, N/A, Montauk (300-027-04-088.8)

DESCRIPTION: Site plan/special permit application has been made to construct a ~90? X 46? (4,154 sq. Ft.) Battery storage building and associated accessory structures, lighting, landscaping & access.

RELIEF SOUGHT: Three (3) variances from section 255-11-10 of the Town Code, including: a variance of

24? from the front lot line as a minimum setback of 50? is required and a setback of 26? is proposed, a variance of 7? from the side lot line (eastern) as a minimum setback of 15? is

required and a setback of 8' is proposed, a variance of 11' from the rear lot line as a minimum setback of 25' is required and a setback of 14' is proposed.

ZONING DISTRICT: CI- Commercial Industrial Zone X Flood Zone

SEQRA CLASS: Unlisted

***E. Martin***

APPLICANT: David and Karen Martin

SIZE/LOCATION: 6,894 sq. ft. (total), 70 Crystal Drive, Olympic Heights Extension, Section 4, Block 28, lots 747-479 map # 218, East Hampton (300-123-02-04)

DESCRIPTION: To allow an above ground swimming pool and pool equipment to remain within side and rear yard lot line setbacks.

RELIEF SOUGHT: Four variances of 8.9', 0.9', 5', and 9.5' are required from §255-11-10 of the Town Code to allow the pool equipment to remain 11.1' and 19.1' and the swimming pool to remain 15' and 10.5' from the side and rear yard lot line setbacks where 20' setbacks are required, and any other relief necessary.

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

**VII. MINUTES APPROVAL:**

***A. Minutes of November 28***

**VIII. RESOLUTIONS**