



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 August 22,
2017
East Hampton, New York**

I. CALL TO ORDER

12:00 AM Meeting called to order on August 22, 2017 at Town Hall Meeting Room, 159 Pantigo Road, East Hampton, NY.

Attendee Name	Present	Absent	Late	Arrived
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:

III. Skrenta

TIME: 6:50:00 PM APPLICANT: Skrenta

SIZE/LOCATION: 12,000 sq. ft, 32 Treasure Island Dr, Map No. 1319; Beach Hampton Sec. 4, Lots 18-23 incl. Block 2, Amagansett (300-175-05-07)

DESCRIPTION: To remove a brick patio and shed, remove approximately 2,250 sq. ft. of invasive

plants and revegetate with native species, to construct a 528 sq. ft. pool and a new sanitary system within Natural Resources Special Permit jurisdiction.

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to 255-4-20 and two variances from 255-11-10 (Dimensional Regulations) of the Town Code and any relief necessary. Variances of 20 ft. and 10 ft. are required to respectively construct the pool equipment and pool 0 ft. and 10 ft. from the side yard lot line where a minimum 20 ft. setback is required.

ZONING DISTRICT: B Residence, AE Flood Zone, elevation 9

SEQRA CLASS: Type II

A. Technical Analysis Memorandum

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Lisa D?Andrea

Date completed: April 26, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 32 Treasure Island Dr. Subdivision

School District: Amagansett Special Permit

Zoning District: B Residential Zone Change

Overlay District: Variance XX

Tax Map Number: 300-175-05-07 Natural Resources

Applicant: Skrenta
Permit XX

Special

c/o Matthews, Kirst, and Cooley PLLC

241 Pantigo Rd.

East Hampton, N.Y. 11937

Telephone: (631) 324-5909

FEMA ZONE: AE 10 Flood Zone

Soil Type: Duneland

Map of Property: Map No. 1319; Beach Hampton Sec. 4, Lots 18-23 incl. Block 2

Size of Parcel: 12,000 sq. ft.

Project Description: To remove a brick patio and shed, remove approximately 2,250 sq. ft. of invasive plants and revegetate with native species, to construct a 528 sq. ft. pool and a new sanitary system within Natural Resources Special Permit jurisdiction.

Relief Requested: A Natural Resources Special Permit (NRSP) pursuant to ?255-4-20 and two variances from ? 255-11-10 (Dimensional Regulations) of the Town Code and any relief necessary. Variances of 20 ft. and 10 ft. are required to respectively construct the pool equipment and pool 0 ft. and 10 ft. from the side yard lot line where a minimum 20 ft. setback is required.

Property and History:

The subject premises are located in Beach Hampton. The property is sub-standard with regard to lot size and frontage within B zoning. The 12,000 sq. ft. lot is a 75 ft. by 160 ft. rectangle. It is not an irregularly shaped parcel. The size and width of the property limit the type and locations of structures that can be constructed in compliance with zoning setbacks.

The original 850 sq. ft. one story residence and 56 sq. ft. shed were built before the adoption of zoning. In 2005 the owners applied for a NRSP and variances for 1,919 sq. ft. of additions to the existing residence, a retaining wall, porch and sanitary system upgrade. The NRSP and variances were granted by the Board with a condition that a scenic easement a depth of 30 ft. be placed over the rear portion of the property. The conditions of the 2006 determination also specified that all areas disturbed by construction were to be revegetated. Under the conditions of the permit a revegetation plan consisting of American beach grass (*Ammophila breviligulata*), northern bayberry (*Myrica pensylvanica*) and beach plum (*Prunus maritime*) was to be submitted and approved by the Board prior to the issuance of a building permit. And the establishment of turf lawn or ornamental vegetation was prohibited.

A scenic easement was drawn up and was signed by the owners. A resolution and public hearing was held, but the easement was apparently not signed by the Town or filed with Suffolk County. When the new owner and current applicant purchased the property, the scenic easement did not appear on the title search.

The most recent Certificate of Occupancy (CO) was issued December 5, 2008. The Saskas Surveying survey, dated revised October 20, 2008, attached to the CO, depicts the scenic easement.

The owner acquired the property July 23, 2014. In 2016, he applied for a NRSP to remove a brick patio and shed and to remove invasive species. The survey submitted with that application depicted a proposed swimming pool location. Town records showed that building permit had already been issued on March 11, 2014 for this proposed swimming pool. The building permit was rescinded on April 21, 2016 by the Building Department. A 2005 lot inspection indicated that a NRSP was required to construct a pool in that location because of the presence of beach vegetation.

In the Technical Analysis Memo the Planning Department recommended that if the Board granted a NRSP for the removal of the shed, brick patio, and invasive removal that a scenic

easement be placed in the same location as was required in the conditions of the 2006 determination. The applicant has since amended the application to include a pool and new sanitary system.

All existing and proposed structures are depicted on a Saskas Surveying survey dated revised January 10, 2017 and received by the Board April 19, 2017. The Skrenta residence revegetation by Marders, dated January 18, 2017 was received by the Board on April 19, 2017.

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

The evolution of this property over the years has been a change from a small beach house on dune land to a large house that has a highly maintained turf lawn and landscaping with ornamental, non-native vegetation (pictures will be sent under another cover). The Board permitted the substantial expansion of the beach house with specific conditions as mitigation for the increased use of the property.

The scenic easement requirement of the last determination is pertinent to this application because it involves the very area that the applicant is proposing to clear and plant in order to install the pool. Part of the mitigation in the 2006 approval for the substantial addition and variances was to protect the remaining natural features on the property. The Board felt the remaining natural features would best be protected with a scenic easement. In the language of the scenic easement that had been drawn up, it states that "the burdened premises shall not be mowed or maintained, and the burdened premises shall in all other respects remain in their natural state in order to maintain their present character and appearance. In the 2006 determination the conditions also specified that the establishment of turf lawn or ornamental vegetation was prohibited. The conditions specifically required that the applicant replant any areas disturbed by construction with native shrubs and beach grass. No establishment of turf lawn or ornamental landscaping vegetation was permitted. It appears these conditions of the permit were not adhered to. There may have been some areas of lawn prior to the new construction, however, the aerial photographs indicate that much of the vegetation around the construction site was extensively disturbed during construction. What exists now is a well established turf lawn which appears to have been re-planted or re-seeded post construction. Also, the shrubs and trees around the house are non-native ornamental plants and not the beach grass, beach plum, and bayberry specified in the conditions of the permit.

The applicant wants to remove a somewhat dilapidated shed and brick patio and revegetate as indicated on the survey. However, on the revegetation plan by Marders this existing, non-conforming patio is labeled to remain. The new sanitary system is shown on the survey and in revegetation plan to be partially located under an existing stone patio. Is that patio to be removed and then, replaced in kind after the sanitary system is installed? The survey shows a stone pathway leading from the pool to the stone patio but a different path is depicted in the revegetation plan. It seems a bit unrealistic to revegetate up to the very

edges of the pool allowing only a narrow pathway between the pool and the patio behind the house. The applicant needs to explain to the Board what is really intended for this area behind the house, the sanitary system, and around the pool.

The pool and pool equipment as proposed does not meet zoning. The applicant is proposing the pool equipment to be on the side yard lot line and the swimming pool 10 ft. from the side yard lot line. The variances required are substantial. The pool equipment requires a 100% variance and the pool requires a 50% variance. They do not appear to be the minimum variances necessary.

Double accessory structure setbacks for swimming pools, pool patios, and pool equipment were established to buffer neighboring properties from the noise and activity generally associated with these structures. Lot line variances for these structures should only be granted when it can be demonstrated that the adjoining properties are not adversely affected by the reduction of minimum setbacks.

The Planning Department does not support the application as proposed. The project does not allow room for the previously required scenic easement, a depth of 30 ft. The Planning Department is concerned that the extensive clearing to install a pool, the removal of a shed and brick patio, and the clearing of invasives will permanently alter the last remaining natural features on the property. In and of itself the Planning Department is generally supportive of controlling invasive plants and planting native plants. However, the beach vegetation is an important component in retaining the Town's rural beach character and has an ecological benefit for wildlife and storm water absorption. In any functioning ecosystem there are millions of invertebrates, fungi, bacteria and other organisms within the habitat that go unseen or un-noticed but none-the-less are vital to its functionality. Clearing, digging, grading, and then landscaping with native plants does not equally replace habitat. The Board approved a very large house addition conditioned that a scenic easement would be established to protect the remaining natural features on the property. In addition, any areas disturbed by the construction were to be planted with native plants. Neither of these conditions were met.

The Board needs to consider the NRSP standards in order to issue a permit. And the Board needs to consider the last determination. The applicant got the benefit of the large house addition without complying with the mitigations the Board specified for the increased intensity of use on dune land with beach vegetation and a portion of the property within 150 ft. of freshwater wetlands. The pool, if granted, will preclude any scenic easement. The Board needs to determine if the proposed project will degrade or diminish the natural resource as a result of clearing, planting and maintaining this area. The applicant must demonstrate compliance with the Variance standards of § 255-8-50 of the Town Code in order to be eligible for the issuance of the requested variances. The Board must determine whether the variances sought are the minimum necessary.

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 April 25, 2017 adapted from the approved Saskas Surveying survey dated revised January 10, 2017. The fencing shall be maintained for the duration of construction activities and replaced as necessary when damaged, dislodged, deteriorated or upon request of the Building Department or a delegate of the Zoning Board of Appeals.
- b. Prior to the issuance of a building permit, the Board, or their delegate, shall inspect the project limiting fencing for proper installation.
- c. The clearing of vegetation and the filling, grading or recontouring of the property shall be strictly limited to the boundaries established by the Board.
- d. The sanitary system should be approved by Suffolk County Department of Health Services in an approved location and to their specifications. Documentation of such should be provided prior to the issuance of a building permit.
- e. The Dune land soils excavated for any 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.
- f. A 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.
- g. The establishment of turf, lawn, sod or ornamental vegetation should be prohibited.
- h. All structures should be situated at least 2 ft. 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 located at least 100' from the wetlands on the survey.
- 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. SCHEDULED PUBLIC HEARINGS:

A. *Edward Milstein*

TIME: 6:30:00 PM APPLICANT: Edward Milstein

SIZE/LOCATION: 21,789 sq. ft. total, 24 Bay Inlet Dr., Map No. 3451; Map of Lion Head Beach Lot No.

52, Springs (300-023-01-22)

DESCRIPTION: To make exterior renovations to the existing entryway and construct a new set of stairs on to the entryway, to install 6 ft. high stockade fences along the northern and southern property lines, and to alter the existing driveway and create a 450 sq. ft. parking area on a parcel of land with wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to 255-4-20 and two variances from 255-2-30 (wetland setbacks) of the Town Code and any relief necessary. Variances of 80 ft. and 40 ft. are required to respectively construct a stockade fence and new entryway steps 20 ft. and 60 ft. from the wetlands where a minimum 100 ft. setback is required.

ZONING DISTRICT: B Residence, AE Flood Zone, elevation 8 &X

SEQRA CLASS: Type II

i. **Technical Analysis Memorandum**

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Lisa D'Andrea

Date completed: April 18, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 24 Bay Inlet Dr. Subdivision

School District: Springs Special Permit

Zoning District: B Residence Zone Change

Overlay District: Variance

Tax Map Number: 300-023-01-22 Natural Resources

Applicant: Edward Milstein

Special Permit XX

c/o Joel Halsey
POBox 5030
Montauk, N. Y. 11953

Telephone: (631) 668-7332

FEMA ZONE: AE 8 Flood Zone & X Flood Zone

Soil Type: Montauk loamy sand sandy variant (MnB); Fill land, dredge spoil (Fd)

Map of Property: Map No. 3451; Map of Lion Head Beach Lot No. 52

Size of Parcel: 21,789 sq. ft. total

Project Description: To make exterior renovations to the existing entryway and construct a new set of stairs on to the entryway, to install 6 ft. high stockade fences along the northern and southern property lines, and to alter the existing driveway and create a 450 sq. ft. parking area on a parcel of land with wetlands.

Relief Requested: A Natural Resources Special Permit (NRSP) pursuant to ?255-4-20 and two variances from 255-2-30 (wetland setbacks) of the Town Code and any relief necessary. Variances of 80 ft. and 40 ft. are required to respectively construct a stockade fence and new entryway steps 20 ft. and 60 ft. from the wetlands where a minimum 100 ft. setback is required.

Property and History:

The parcel comprises approximately 21,789 sq. ft., is situate on 24 Bay Inlet Rd. in Springs, is in B Residential zoning and the soil type present on this parcel is Montauk loamy sand, sandy variant and fill land as per Suffolk County Soil survey.

There is a somewhat long and complicated history of this parcel. In 1975 the owner acquired a special permit from the Board to build a two story residence on a parcel of land containing wetlands. The Board did not specify minimum wetland setbacks for the residence. Conditions of the permit stated no disturbance within 25 ft. of the pond and the sanitary system was to be no closer than 100 ft. from the pond and located between the house and the road. A Certificate of Occupancy (CO) was issued for the residence April 15, 1977. A Building permit for a swimming pool was issued October 20, 1978. The swimming pool and decking were constructed in early 1979. Later that year an application came before the Board for a variance to allow a deck surrounding an above ground swimming pool to remain within side yard setbacks. The variance was granted. Sometime after that

determination it appears more decking was added, along with a stairway down from the pool deck. Also, structural repairs of the deck took place without the benefit of proper permits.

In 1996 an application came before the Board to allow the 328 sq. ft. of pool decking 1 ft. from the wetland and a set of stairs from the pool deck to the ground level to remain., The applicant also requested retro-active approval for the structures used to support and buttress the swimming pool. Four variances were required in addition to a NRSP. The variances were denied but a NRSP was granted for the continued existence of the supporting timbers and associated timber bracing that buttressed the northwest side of the pool. The pool deck which was 1 ft. from the wetland edge and required to be removed had not yet been removed in 2013. It appears that an updated CO was required for the sale of the property. The deck that was required to be removed was finally removed. The most recent CO was issued September 11, 2015 for a 2,160 sq. ft. two story residence with 360 sq. ft. of patio, a 420 sq. ft. swimming pool and 720 sq. ft. of decking.

The property was acquired by the applicant November 16, 2015.

All existing and proposed structures are depicted on a Barylski Land Surveying survey dated revised March 31, 2017.

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

The house and pool were built in the late 1970s- prior to the establishment of minimum wetland setbacks. The importance of wetlands has since been well established and the Town has codified the protection of natural resources and established the Natural Resources Special Permit and minimum setback required for freshwater wetlands and other natural resources.

The property is not in the Harbor Protection Overlay District but it is contiguous to Lionhead Pond East and across Bay Inlet Rd. to the east are the surface waters of Hog Creek.

The pond on the survey, known as Lion Head Pond East is part of a coastal pond system that may have formerly been contiguous to Hog Creek. There is another pond nearby known as Lion Head Pond West. Both of these ponds provide many of the benefits typically associated with a high quality coastal pond system including the provision of high quality wildlife habitat, the retention of floodwaters prior to surface and groundwater recharge, and aesthetic benefits that contribute to the surrounding property values. Both ponds are breeding ground for commercially important baitfish such as mummichog, mosquito fish, sticklebacks, silversides, eels and banded killifish. They are an important nesting and foraging ground for waterfowl and wading birds, especially for green herons, black crowned night herons and wood ducks. Both ponds have been given the highest quality rating (Class I) by the New York State Department of Environmental Conservation (NYSDEC). Lion Head Pond East is under more of an ecological burden from upland development, at least in part, from non-point pollution sources such as storm water runoff, discharge from swimming pools, fertilizers and sanitary effluent than Lionhead Pond West.

The premises are improved with a 2,121 sq. ft. two story residence. It has a 420 sq. ft. pool, 360 sq. ft. of patio and 720 sq. ft. of decking. All of these structures are not only pre-existing non-conforming, they are extremely non-conforming to wetland setbacks. The pool deck is only 7 feet, the pool is 10 ft. and the residence is 20 ft. set back from the wetland edge. The leaching pool, while possibly 100 ft. from the surface waters of the pond is only 62 ft. from the wetland edge and appears to be the original sanitary system.

The applicant applied for a NRSP and variance in 2016 for a 674 sq. ft. addition but has since withdrawn the request for the addition. The amended project does not increase building coverage. The applicant is proposing to remove a section of driveway near the house and bring in approximately 300 cubic yards of beach sand to re-create a dune ?form? that will be planted with beach grass and native northern bayberry shrubs. The driveway removal will decrease the total lot coverage by about 13%. The driveway that is to be removed is proposed to be excavated to a depth of 6 inches and repurposed for the proposed parking area located near Bay Inlet Rd.

The applicant should explain to the Board at or prior to the hearing, the function of the proposed fencing and why the variance requested is the minimum variance necessary to alleviate the difficulty causing the applicant to request the variance. Will the fencing adversely affect the character of the neighborhood and is it necessary to be installed that close to the wetlands These are the questions the Board needs to consider when considering whether to grant the variances requested.

The applicant must demonstrate compliance with the Variance standards of 255-8-50 of the Town Code in order to be eligible for the issuance of the requested variances. The Board must determine whether the variances sought are the minimum necessary. The Board must also determine if the project complies with the Natural Resources Special Permit standards of 255-5-40 in order to issue a NRSP permit.

Recommended Project Conditions:

- a. Sediment control fencing consisting of staked straw bales or silt mesh fencing shall be erected as depicted on the attached Planning Department sketch dated April 18, 2017 (adapted from the Barylski Land Surveying survey dated revised March 31, 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. The clearing of vegetation and the filling, grading or recontouring of the property shall be strictly limited to the boundaries established by the Board and any proposed grading depicted on the approved grading plan.

- d. Only clean, beach compatible sand should be used to create the dune ?form?.

- e. The establishment of turf, lawn, sod or ornamental vegetation should be prohibited.

- f. All structures should be situated at least 2? above the seasonal high groundwater table.

- g. An Article 24 Freshwater permit or statement of non-jurisdiction should be obtained from the New York State Department of Environmental Conservation (NYSDEC) prior to the issuance of a building permit for this project.

- h. 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. *Howard Hochhauser*

TIME: 7:10:00 PM APPLICANT: Howard Hochhauser

SIZE/LOCATION: 14,609 sq. ft., 42 Soundview Drive, Soundview Estates, Map #1929, Lot 10, Montauk

(300-005-01-07)

DESCRIPTION: To make modifications to the existing residence and construct a two story addition

with an approximately 45 sq. ft. swimming pool with decking, an outdoor shower, upgraded sanitary system and new driveway within the Towns jurisdiction of dunes and tidal wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to Section 255-4-20 of the East

Hampton Town Code and two variances. One variance of 6 ft. is required from 255-4-30

of the Town Code to construct the decking approximately 94 ft. from tidal wetlands where a 100 ft. setback is required. One variance of 1 ft. is required from 255-11-10 of the Town Code to construct the pool decking approximately 19 ft. from the side yard lot line where a 20 ft. 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: May 31th, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 42 Soundview Drive Subdivision

School District: Montauk Special Permit

Zoning District: B Residence Zone Change

Overlay District: N/A Variance XX

Tax Map Number: 300-005-01-7 Natural Resources

Applicant: Howard Hochhauser Special Permit XX

C/O Thomas Pedrazzi Other:

200 W. 58th Street, Suite 10C

New York, NY 10019

Telephone: 212-581-1978

FEMA ZONE: X Flood Zone, VE 12 Flood Zone

Soil Type: Dune land (Du), Beaches (Bc)

Map of Property: Soundview Estates, Map #1929, Lot 10

Size of Parcel: 14,609 sq. ft. (total)

Project Description:

To make modifications to the existing residence and construct a two story addition with an approximately 45 sq. ft. swimming pool with decking, an outdoor shower, upgraded sanitary system and new driveway within the Towns jurisdiction of dunes and tidal wetlands.

Relief Requested:

A Natural Resources Special Permit (NRSP) pursuant to Section 255-4-20 of the East Hampton Town Code and two variances. One variance of 6 ft. is required from 255-4-30 of the Town Code to construct the decking approximately 94 ft. from tidal wetlands where a 100 ft. setback is required. One variance of 1 ft. is required from 255-11-10 of the Town Code to construct the pool decking approximately 19 ft. from the side yard lot line where a 20 ft. setback is required, and any other relief necessary.

Property and History:

The parcel is currently improved with an approximately 976 sq. ft. one story residence with approximately 634 sq. ft. of decking. The parcel is protected with a bulkhead and rock revetment along the shoreline. All of the proposed structures are depicted on the Hands on Surveying survey dated revised January 16, 2017 and on the studioPEDRAZZI Architecture + Design plans dated 1/23/17, received 2/3/17. The most recent C.O. was issued in 2009 for a Replaced in-kind, in-place 77 linear feet of bulkhead and rock armor. The property has appeared before the ZBA once previously.

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

The parcel before the Board is located near the eastern end of Soundview Drive, in Montauk, and is contiguous with the waters of Block Island Sound. The wave energies associated with Block Island Sound are greater than that of the other bays on the north shore of East Hampton Town. The wave energies, combined with the effects of both shore parallel and shore perpendicular coastal structures in the vicinity, have resulted in some of the most dramatic shoreline recession and damaging coastal erosion in the Town. The size and duration of the dry? beach width (the width of the beach landward of mean high water)

is highly variable and mean high water is frequently located adjacent to the bulkheads. Block Island Sound is one of the most well flushed areas within the Peconic Estuary. Nonetheless, it remains sensitive to the cumulative impacts from non-point pollution sources such as storm water runoff and sanitary effluent.

The existing residence on this property is a fairly small, approximately 976 sq. ft., residence which is very nonconforming to both dune crest and tidal wetland setbacks. The residence itself is located 38.5 ft. from the dune crest and approximately 82 ft. to the tidal wetlands, with the seaward decking setback 24.6 ft. and approximately 62 ft., respectively. The proposed changes and additions to the residence include removing a portion of the existing residence and constructing a small, approximately 45 sq. ft., swimming pool with decking in the same area as the existing residence and constructing a new approximately 1,400 sq. ft. two story addition on the landward side of the existing residence. This will bring the total gross floor area of the residence to 2,207 sq. ft. The applicant is proposing an upgraded sanitary system as landward as possible on the property which would be located approximately 145 ft. from the tidal wetlands. The existing sanitary system is located slightly seaward from the proposed location and appears to be a tank with a single leaching pool which could potentially be within groundwater table. Finally, the applicants are proposing to remove the large existing stone parking area and construct a new pervious driveway on the south side of the property. This driveway is approximately the same size on the property itself but significantly smaller area in the right-of-way.

Building coverage will be increasing from the existing 1,009 sq. ft. (9.8%) to 1,500 sq. ft. (14.5%) and total lot coverage will be increasing from 2,982 sq. ft. (28.8%) to 3,400 sq. ft. (32.9%). The residence directly adjacent to the east (38 Soundview Dr.) is one of the more comparable lots in the immediate neighborhood. That property is improved with an approximately 2,187 sq. ft. two story residence with decking and a 480 sq. ft. attached garage. The setbacks to those improvements are slightly further landward but the size of the residence is comparable. Additionally, the property at 62 Soundview Drive (Yanni) received ZBA approval in 2011 for a 2,331 sq. ft. two story residence with patio and decking closer to the wetlands and dune crest.

With the applicants keeping the existing residence in place with minor changes, the options for redevelopment are somewhat limited. As with all additions to existing residences on the outer bays, the setback from the dune crest is 50 ft. if landward of the existing improvements as opposed to the normal 75 ft. setback for new construction to encourage landward development, as is the case here. It should be noted that if a full demolition and redevelopment of this property was proposed, the Planning Department would recommend the residence be located more landward in a more conforming location.

The applicant must demonstrate compliance with the Variance standards of 255-8-50 of the Town Code in order to be eligible for the issuance of the requested variances. The applicants should address how the variance does not cause an undesirable change in the character of the neighborhood, cannot be achieved by some method other than the requested variances,

is not substantial, and does not have an adverse effect or impact on the environment or the neighborhood.

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 or silt mesh fencing shall be erected along the NYSDEC Coastal Erosion Hazard Line as depicted on the approved survey. 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 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.
4. 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.

5. 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.
6. All structures should be situated at least 2 ft. above the seasonal high groundwater table.
7. All pool water should be discharged into a drywell located at least 100 ft. from the wetlands on the survey.
8. The driveway should be composed of only of a clean, local, water-pervious quartz gravel surface.
9. 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. *Franklin Salasky*

SIZE/LOCATION: 11,419 sq. ft., 11 Miller Lane, East Hampton (300-163-05-5.2)

DESCRIPTION: To allow a 96 sq. ft. pond, 46 sq. ft. deck, an approximately 340 sq. ft. slate patio with 204 sq. ft. arbor, two propane tanks, and an air conditioning unit to remain within side yard lot line setbacks and outside of the Towns pyramid regulations.

RELIEF SOUGHT: Twelve variances from the East Hampton Town Code are required for this application.

Variances of 9.6, 7.3, 6.5, 2.7, and three variances of 10 from 255-11-10 of the Town Code are required to allow the pond to be located 0.4?, deck to be located 2.7, slate patio to be located approximately 3.5, arbor to be located 7.3, and both propane tanks and air conditioning unit to be approximately 0? from the side yard lot lines where 10 setbacks are required. Five variances from 255-11-72D of the Town Code are required to allow the pond to be located 0.6, arbor to be located 1.2, both propane tanks to be approximately 4, and the air conditioning unit to be approximately 2?8? outside of the Towns pyramid regulations, and any other relief necessary.

ZONING DISTRICT: A 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: June 20, 2017 Site Plan
 SEQRA class: Type II Sub Waiver
 Physical Location: 11 Miller Lane Subdivision
 School District: East Hampton Special Permit
 Zoning District: A Residence Zone Change
 Overlay District: N/A Variance XX
 Tax Map Number: 300-163-05-5.2 Natural Resources

Applicant: Franklin Salasky Special Permit
 C/O Fleming & Darrell PLLC Other:
 10 Gingerbread Lane

East Hampton, NY 11937

Telephone: 631-324-8778
 FEMA ZONE: X Flood Zone
 Soil Type: Plymouth loamy sand, silty substratum, 3 to 8% slopes (PsB)
 Map of Property: N/A
 Size of Parcel: 11,419 sq. ft. (total)

Project Description:

To allow a 96 sq. ft. pond, 46 sq. ft. deck, an approximately 340 sq. ft. slate patio with 204 sq. ft. arbor, two propane tanks, and an air conditioning unit to remain within side yard lot line setbacks and outside of the Towns pyramid regulations.

Relief Requested:

Twelve variances from the East Hampton Town Code are required for this application. Variances of 9.6, 7.3, 6.5, 2.7, and three variances of 10 ft. from 255-11-10 of the Town Code are required to allow the pond to be located 0.4?, deck to be located 2.7, slate patio to be located approximately 3.5?, arbor to be located 7.3, and both propane tanks and air

conditioning unit to be approximately 0? from the side yard lot lines where 10 ft. setbacks are required. Five variances from 255-11-72D of the Town Code are required to allow the pond to be located 0.6?, arbor to be located 1.2?, both propane tanks to be approximately 4?, and the air conditioning unit to be approximately 2?8? outside of the Towns pyramid regulations, and any other relief necessary.

Property Conditions and History:

The property is currently improved with a one story residence with ponds, slate patios, decking, and porch. The most recent C.O. was issued on November 30, 1999 for a 1-story, frame, 1-family residence having one-kitchen only, erected before the adoption of zoning; with 830 sq. ft. alteration; 100 sq. ft. 1-story addition; & fireplace all to existing residence. Deck removed from premises as indicated on attached survey. The property appeared before the Zoning Board once previously in the 1970's.

Planning Department Analysis and Recommendations for the Boards Consideration:

The subject property is a flag lot located on Miller Lane off of Cedar Street, in East Hampton. The applicants are requesting approval to allow a pond, slate patio with arbor, deck, two propane tanks, and an air conditioning unit to remain within lot line setbacks and outside of the Towns pyramid regulations.

The decking that is being requested appeared in the same location and configuration on the 1999 certificate of occupancy survey but was marked as being removed on the survey and the C.O. itself. Either the deck was never removed or it was replaced sometime after the C.O. was issued and the applicants are now requesting relief for it to remain. The decking, as well as the pond, slate patio, and arbor, appears on the 2001 aerial images of the property. The portion of the decking which is within setbacks to the northern neighboring property is approximately the same distance to the property line as the existing residence. The pond, which as previously mentioned, was constructed sometime between the C.O. issued in late 1999 and the aerial images in 2001, is located only 0.4? from the western side yard lot line setback. This property line, and the most impacted neighbor, appears to border on a reserved area for the Cedar Close subdivision on Briarsweet Lane. Relief is requested for the pond, slate patio, and arbor from this property line. The slate patio and arbor also appear to have been constructed between the 1999 C.O. and aerial images in 2001. The slate patio is located approximately 3.5 ft. from the western side yard lot line and the arbor is located 7.3 ft. from the western side yard lot line.

Both of the propane tanks and the air conditioning unit do not appear on the provided survey and the applicant informed the Planning Department that the survey was being updated to show their locations. These structures are located on the north side of the property directly between the residence and the northern lot line. Because of the very preexisting nonconforming setback of the residence to the northern lot line, any structure located between the residence and the lot line would require significant variances. Since

there is a neighboring fence that is just on the other side of the northern lot line, these structures are shielded from view from the most affected neighbor to the north.

Five of these structures require pyramid variances, the pond is only 1 ft. high off of the ground, but since it is located so close to the property line, it requires a 0.6' variance. The arbor over the slate patio also requires a pyramid variance from the western lot line of 1.2 ft. Both of the propane tanks and the air conditioning unit which are located up to the northern lot line require pyramid variances of approximately 4 ft (propane) and 2'8" (A/C). This is the area on the property where the neighboring fence is up against and shields these structures from view to the north. The existing residence, located only 2.8' from the northern lot line, is very nonconforming to pyramid regulations. The provided survey makes note of two slate patios to be removed on the property. Both of these patios existed on the 1999 C.O. and appear to be pre-existing non-conforming structures which would be allowed to remain. The applicant should make sure to provide an updated survey with the locations of the propane tanks and air conditioning unit prior to the public hearing.

The applicant must demonstrate compliance with the Variance standards of 255-8-50 of the Town Code in order to be eligible for the issuance of the requested variances. The applicants should address how the variance does not cause an undesirable change in the character of the neighborhood, cannot be achieved by some method other than the requested variances, is not substantial, and does not have an adverse effect or impact on the environment or the neighborhood.

Recommended Project Conditions:

1. N/A

D. 80 Firestone Road LLC

SIZE/LOCATION: 48,478 sq. ft. (total), 80 Firestone Road, N/A, Montauk (300-017-01-05)

DESCRIPTION: Not applicable.

RELIEF SOUGHT: An Appeal of the Principal Building Inspector pursuant to ? 255-8-35A(1) of the Town Code. Appellants seek to challenge the determination dated August 5, 2016 finding that protected natural features on the property have been accurately identified on June 29, 2016 by the Planning Director.

ZONING DISTRICT: RS- Resort VE velocity flood zone, el 12'; X flood zone

SEQRA CLASS: Type II

06/6/2017

V. WORK SESSION:

VI. EXTENSION OF TIME:

A. *Richard Priore Sr.*

SCTM# 300-128-1-8.3

266 Cranberry Hole Road, Amagansett

Requesting an Extension of Time - Construction completed - Trying to obtain a Certificate of Occupancy.

B. *Vicente Wolf*

220 Old Montauk Highway

Montauk

SCTM#300-87-3-12.3

Original Permit Date was August 28th 2013 - Construction is completed. Work is complete and applicant trying to obtain a Certificate of Occupancy.

VII. POSSIBLE ADMINISTRATIVE APPLICATIONS:

VIII. BOARD DETERMINATIONS:

A. *Montauk Colony LLC*

Modification Request

DeForest Road, Montauk

SCTM# 300-32-6-14

Requesting a modification of the Natural Resources Special Permit which granted approval for two (2) staircases across the bluff with removable lower sections. They now proposed

only one staircase of identical dimensions and design on the easternmost lot of the four lot subdivision.

IX. BOARD DECISIONS:

A. *Montauk Energy*

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 ft. X 46 ft. (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 ft. is proposed, a variance of 7 ft. from the side lot line (eastern) as a minimum setback of 15 ft. is required and a setback of 8 ft. is proposed, a variance of 11 ft. from the rear lot line

as a minimum setback of 25 ft. is required and a setback of 14 ft. is proposed.

ZONING DISTRICT: CI- Commercial Industrial Zone X Flood Zone

SEQRA CLASS: Unlisted

B. *Tonina Abplanalp*

SIZE/LOCATION: 29,828 sq. ft. (approx. upland total), 319 East Lake Drive, Montauk (300-007-02-06, 300-

013-01-02)

DESCRIPTION: The reconstruction of a 4ft. x 112 ft. fixed dock and 4 ft. x 20 ft. access ramp on a parcel of land

containing tidal wetlands, beaches, coastal bluffs and surface waters.

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

ZONING DISTRICT: A Residence X Flood Zone (upland)

SEQRA CLASS: Type II

C. Clafin

SCTM# 300-102-3-8

27 Lilla Lane, Springs

Relief sought is to allow the property to remain beyond the clearing limits established in the Water Recharge Overlay District. Public Hearing held March 28th 2017. Public Hearing closed but record left open till May 9th for the applicants to work with the Planning Department to reduce the variance requested and resubmit updated surveys to the Board.

D. Wade Potter

SIZE/LOCATION: 19,280 sq. ft., 155 Three Mile Harbor Road, Springs (300-094-01-11)

DESCRIPTION: To remove the existing residence and associated structures and to construct a 3,041

sq. ft. residence with 1,152 sq. ft. of covered and screened porches, a 558 sq. ft. blue stone patio, a 240 sq. ft. roof deck, and new sanitary system within setbacks and jurisdiction of bluffs and tidal wetlands.

RELIEF SOUGHT: Five variances from the East Hampton Town Code and a Natural Resources Special

Permit pursuant to Section 255-4-20 of the East Hampton Town Code are required for this application. Variances of 27.5, 49 ft. , and 33 ft. are required from Section 255-4-30 of the Town Code to construct the residence 72.5 ft., patio 51 ft., and covered porch 77 ft. from tidal wetlands where 100 ft. setbacks are required. One variance of 64? is required from Section 255-3-75B of the Town Code to construct the new sanitary system 136 ft. from tidal wetlands where a 200 ft. setback is required. Finally, a 25 ft. variance is required from Section 255-4-40 to construct the proposed patio 25 ft. from the bluff crest where a 50? setback is required, and any other relief necessary.

ZONING DISTRICT: A Residence Zone X Flood Zone

SEQRA CLASS: Type II

10/25/2016

X. MINUTES APPROVAL:

A. August 8th 2017

XI. RESOLUTIONS