



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 June 26, 2018
East Hampton, New York**

I. CALL TO ORDER

6:30 PM Meeting called to order on June 26, 2018 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 Samuel Kramer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Tim Brenneman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. SCHEDULED PUBLIC HEARINGS:

A. *Montauk Playhoiuse Community Center Foundation*

TIME: 6:30:00 PM APPLICANT: Montauk Playhouse Community Center Foundation

SIZE/LOCATION: 175,982 sq. ft., 240 Edgemere Street, N/A, Montauk (300-016-02-15)

DESCRIPTION: To build an interior alteration of the west side of the Montauk Playhouse to include an aquatics center, meeting and gallery spaces, lockers, bathrooms, and offices. Also

proposed is a new parking lot on the northwest portion of the lot to include a handicapped accessible entranceway and additional parking along with lighting, landscaping, drainage control structures, retaining walls, and a new sanitary system.

RELIEF SOUGHT: One variance from section 255-2-60 of the Town Code to allow the lot to exceed the maximum allowable clearing. Three variances from section 255-11-10 of the Town

Code: a 12.7' variance from the required minimum side yard setbacks where a setback

of 2.3' is proposed and a minimum setback of 15' is required for the proposed parking

lot, a 5% variance from the maximum allowable total lot coverage as a maximum of 40% is allowed and 45% is proposed, a 3' variance from the required minimum side yard setbacks where a setback of 12' is proposed and a minimum setback of 15' is required for the trash enclosure.

ZONING DISTRICT: A Residence Zone X Flood Zone

SEQRA CLASS: Unlisted

i. Technical Analysis Memorandum

Technical Analysis Memo

Lead Agency: Planning Board

Planner: Eric Schantz

Date completed: May 23, 2018 Site Plan X

SEQRA class: Type I Sub Waiver

Physical Location: 240 Edgemere Subdivision

School District: Montauk Special Permit

Zoning District: A: Residence Zone Change

Overlay District: Affordable Housing Overlay District Variance X

Tax Map Number: 300-016-02-15 Natural Resources

Special Permit

Other

Applicant: Montauk Playhouse Community Center Foundation

c/o Scott DiBerardino

Island Structures Engineering, P.C.

319 Sunrise Highway

West Islip, NY 11795

Telephone: (631) 669-0693

FEMA ZONE: X

Soil Type: Bridgehampton silt loam, till substratum, 6 to 12 % slopes

Map of Property: N/A

Size of Parcel: 175,982 sq. ft.

Project Description:

To build an interior alteration of the west side of the Montauk Playhouse to include an aquatics center, meeting and gallery spaces, lockers, bathrooms, and offices. Also proposed is a new parking lot on the northwest portion of the lot to include a handicapped accessible entranceway and additional parking along with lighting, landscaping, drainage control structures, retaining walls, and a new sanitary system.

Relief Requested:

One variance from section 255-2-60 of the Town Code to allow the lot to exceed the maximum allowable clearing. Three variances from section 255-11-10 of the Town Code: a 12.7' variance from the required minimum side yard setbacks where a setback of 2.3' is proposed and a minimum setback of 15' is required for the proposed parking lot , a 5% variance from the maximum allowable total lot coverage as a maximum of 40% is allowed and 45% is proposed, a 3' variance from the required minimum side yard setbacks where a setback of 12' is proposed and a minimum setback of 15' is required for the trash enclosure.

Property Conditions and History:

The property is zoned A: Residence with an Affordable Housing Overlay (AHO). It is situated along Flamingo Ave. in Montauk and is adjacent to residential lots as well as the Montauk Fire Department's main fire house. The property contains steep slopes to the rear and is mostly cleared. It is the site of the Montauk Playhouse, an important resource to the community which currently contains a gymnasium & exercise center, child and adult day care facility, senior nutrition center, etc. The building and site are on the National Register of Historic Places.

The most recent certificate of occupancy reads as follows:

3/31/06-C.O.22839(47021,49405,50175) - EAST HAMPTON TOWN - INTERIOR ALTERATION OF EXISTING STRUCTURE CONTAINING "GROUP I 4" CHILD CARE AND ADULT CARE FACILITIES WITH "GROUP A3" GYMANASIUM AND "GROUP B" OFFICE SPACE, POOL AREA AND THEATER AREA ARE NOT INCLUDED IN THIS CERTIFICATE OF OCCUPANCY

Planning Department Analysis and Recommendations for the Boards Consideration:

Total lot coverage is proposed to exceed the 40% maximum allowable by 4.52%. A variance from Section 255-11-10 of the Town Code will be required. Allowable clearing on the property is 53,996 sq. ft. (works out to ~30.6%). The plans indicate that the site is currently cleared to 96,707 sq. ft. or 55%. The proposed project would increase clearing by an additional 5,877 sq. ft. or 3.3% (to 58.3% total). A variance from the maximum allowable clearing restrictions of Section 255-2-60 of the Town Code will be required.

The required setback for accessory structures on an A: Residence lot is 50 front and 10 side and rear. It appears that two (2) variances from Section 255-11-10 of the Town Code will be required: one for the parking lot (measured from the nearest edge of the retaining wall) and one for the proposed new dumpster.

Although Fenwick Place appears to be a private road, it therefore causes the rear/side portion of the lot where these structures are proposed to require front yard setbacks which, due to the lots underlying A: Residence zoning designation, are high for accessory structures (50). The most affected neighboring lot across Fenwick Place would be SCTM#300-16-2-14.1, which is currently vacant. The topography in this area is very steep and a future residence on this lot would probably be 20 + higher in elevation than the parking lot. It is unlikely that the rear of the parking lot could even be seen from such a location.

Detailed grading and drainages plans as well as erosion and sediment control plans for the time of construction have been submitted and reviewed by the Planning Department and Town Engineer. These plans appear to adequately control storm water run-off.

The property is substantially over-cleared and this is proposed to increase, although only by a small amount. The existing vegetation is a mixture of invasive and native plants and the most important of the remaining naturally - occurring vegetation on this lot is on the eastern side, behind a large retaining wall and adjacent to a freshwater wetland.

Allowable total lot coverage would be exceeded as a result of adding the parking lot. The applicants provided a breakdown of parking for individual events to the Planning Board. The graph shows a maximum need of 93 spaces during peak weekend hours and 75 during weekdays. The applicants propose a total number of on-site parking spaces of 113 (with 50 currently existing). The Planning Board discussed the parking needs with the applicant and determined that the amount proposed is appropriate. They further required that vegetated islands be added to the parking lot as well as that additional screening/plantings around the

periphery be provided to soften the appearance of an expanse of asphalt from the adjacent roadway.

Pursuant to Chapter 210 of the East Hampton Town Code the sanitary system(s) on the property will be required to meet the definition of a "Low - Nitrogen System" as the same is defined in that Chapter. The applicants have submitted a detailed sanitary plan for a new low-nitrogen system for the interior additions to the western end of the building. The plans show them keeping the existing system (conventional concrete ring leaching pools with septic tank) that accommodates the eastern side of the building.

The Planning Board and Town Attorneys discussed whether or not this was allowed under the new regulations governing mandatory upgrades. Although this has not been put in writing to the knowledge of the Planning Department, it is our understanding that the system for the east end of the building will also require an upgrade. However, the issue was further complicated by the fact that the Town of East Hampton is the underlying landowner and operates facilities in the east end of the building. As of the date of this memorandum the issue remains unresolved. It is noted though that there appears to be adequate horizontal and vertical area to install such a system in the existing parking lot area or potentially elsewhere in site, meaning it would not require substantial changes to the plans or additional relief.

Recommended Project Conditions: Pending a resolution of the issue regarding the sanitary system after the date of this memorandum, the Zoning Board of Appeals should discuss the time frame with which the sanitary flow for the eastern portion of the building will be directed to a low - nitrogen system.

B. Sandro De Oliveira Bussili

TIME: 6:50:00 PM APPLICANT: Sandro De Oliveira Bussili

SIZE/LOCATION: 40,343 sq. ft. (total), 83 North Surfside Ave., Map No. 1690; Map of Surfside Estates, Block 351, Lots 26, 27 & part of lot 25, Montauk (300-083-01-10.1)

DESCRIPTION: To construct an approximately 720 sq. ft. swimming pool with spa, 75 sq. ft. shed, and allow an existing approximately 360 sq. ft. brick patio to remain within jurisdiction and setbacks of freshwater wetlands and side yard lot line setbacks.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and three variances are required for this application. Variances of 17 and 24 from 255-4-30 of the Town Code are required to allow the brick patio to remain 83 and to

construct the shed 76 from freshwater wetlands where 100 setbacks are required.

10 One variance of approximately 5 is required from 255-11-10 of the Town Code to allow the brick patio to remain approximately 5 from the side yard lot line where a 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: Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 83 North Surfside Ave. Subdivision

School District: Montauk Special PermitXX

Zoning District: B Residence Zone Change

Overlay District N/A Variance XX

Tax Map Number: 300-083-01-10.1 Natural Resources

Applicant: Sandro De Oliveira Bussili
 c/o Studio Zung
 110 E. 25th St.
 New York, N.Y. 10010

Telephone: (212) 343-8391

FEMA ZONE: Flood Zone X

Soil Type: Montauk loamy sand, sandy variant (15-35% slopes) MnE

Map of Property: Map No. 1690; Map of Surfside Estates, Block 351, Lots 26, 27 & part of lot 25

Size of Parcel: 40,343 sq. ft. (total)

Project Description: To construct an approximately 720 sq. ft. swimming pool with spa, 75 sq. ft. shed, and allow an existing approximately 360 sq. ft. brick patio to remain within jurisdiction and setbacks of freshwater wetlands and side yard lot line setbacks.

Relief Requested: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and three variances are required for this application. Variances of 17 and 24 from 255-4-30 of the Town Code are required to allow the brick patio to remain 83 and to construct the shed 76 from freshwater wetlands where 100 setbacks are required. One variance of approximately 5 is required from 255-11-10 of the Town Code to allow the brick patio to remain approximately 5 from the side yard lot line where a 10 setback is required, and any other relief necessary.

Property and History: The subject property is currently improved with an approximately 2,923 sq. ft. two story residence with decking, driveway, and sanitary system. The most recent C.O. on file was issued November 27, 2017 for a 71,181 sq. ft. first floor, 1,742 sq. ft. second floor, frame, one family residence having one kitchen only, containing a total of four bedrooms only; 253 sq. ft. storage area; 614 sq. ft. lower level recreation room with proper egress; 340 sq. ft. first floor wood decking; 405 sq. ft. second story wood decking?. All of the structures can be seen on the Gary Benz, L.S. survey dated revised December 11, 2017. The property has appeared before the Zoning Board twice previously in 1998 for decking and in 2010 for additions and decking.

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

The property is located on the south side of North Surfside Avenue, in Montauk. The majority of North Surfside Ave. and Seaview Ave. bordering the property is listed as to be abandoned on the Urban Renewal Map. The application is to construct an approximately 720 sq. ft. swimming pool with spa, a 72 sq. ft. shed, and to allow an existing approximately 360 sq. ft. brick patio to remain.

The proposed swimming pool and spa are proposed to be setback 105 from freshwater wetlands at its closest point, the shed is proposed to be located 76 from the wetlands and the existing brick patio is located 83 from the edge of wetlands. The shed is proposed in an already improved area of the lot in the corner of the existing stone driveway. The swimming pool is squeezed in the rear of the property in the most conforming location available on the lot, running between the required 20 side and rear yard lot line setbacks, the required 20 separation between the sanitary systems leaching pool, and is just outside the 100 setback to wetlands. The pool is proposed in an area of the property which has long been cleared of vegetation, no additional clearing is proposed for the project as a whole. The brick patio is also located in this previously cleared area of the property.

The project as proposed will increase the total lot coverage from the 2,629 sq. ft. (11.6%), prior to the patio being constructed, to a proposed total lot coverage of 4,015 sq. ft. (17.7%). The Board should look at the constraints of the property and decide if the additional impervious surfaces are appropriate in the context of those constraints. The shed appears to be a minor improvement; however, the swimming pool is proposed in a very constrained location to avoid variances and could potentially prevent a future location for the sanitary system further from wetlands. The brick patio was constructed sometime after the 2016 aerial images were taken, without the benefit of a building permit and is within both wetland and rear yard lot line setbacks. There are certainly more conforming locations available on the property where the brick patio could be located.

It appears that the wetlands depicted on the survey are NYSDEC regulated wetlands. The NYSDEC categorizes the wetland as a Class I wetland, the highest quality rating for a freshwater wetland. The wetlands absorb and store floodwaters and improve water quality prior to recharging the groundwater. They also serve important purposes such as stop over areas for migrating birds and provision of breeding, foraging and resting habitat for other species, particularly water dependent plants and animals. The wetlands within jurisdiction receive water flow from the wetlands to the north and east and also receive run-off from North Surfside Ave and have limited flushing. This wetland system appears to be especially important for storm water attenuation within this area and constitutes an integral part of the natural environment, and more specifically, the hydrologic system.

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:

- a. Sediment control fencing consisting of staked straw bales // silt mesh fencing shall be erected in the location depicted on the attached Planning Department sketch dated 4/27/18 adapted from the approved survey 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 structures should be situated at least 2 above the seasonal high groundwater table.
- d. 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.
- e. An Article 24 Freshwater Wetland 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.

C. *Liana Ryan*

TIME: 7:10:00 PM APPLICANT: Liana Ryan

SIZE/LOCATION: 18,824.40 sq. ft., 268 Fairview Ave., Montauk Beach Development Corp, Subdivision No. 6, South Portion of West Lake Residential Section, Block 200A, lot 12, map no. 1016., Montauk (300-019-09-11)

DESCRIPTION: To construct an approximately 508 sq. ft. second story dormer which will add

approximately 100 sq. ft. to the existing residence within jurisdiction of freshwater wetlands.

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

SEQRA class: Type II Sub Waiver

Physical Location: 268 Fairview Ave. Subdivision

School District: Montauk Special PermitXX

Zoning District: B Residence Zone Change

Overlay District N/A Variance

Tax Map Number: 300-019-09-11 Natural Resources

Applicant: Liana Ryan

C/O Land Planning Services, Ltd.

P.O. Box 1313

East Hampton, NY 11937

Telephone: (631) 537-8500

FEMA ZONE: Flood Zone X

Soil Type: Bridgehampton silt loam, till substratum, 6-12% slopes (BhC)

Map of Property: Montauk Beach Development Corp, Subdivision No. 6, South Portion of West Lake Residential Section, Block 200A, lot 12, map no. 1016.

Size of Parcel: 18,824.40 sq. ft.

Project Description: To construct an approximately 508 sq. ft. second story dormer which will add approximately 100 sq. ft. to the existing residence within jurisdiction of freshwater wetlands.

Relief Requested: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code, and any other relief necessary.

Property and History: The subject property is currently improved with an approximately 1,224 sq. ft. two story residence with decking, and associated structures. The most recent C.O. on file was issued in 2014 for a 980 sq. ft. first floor, 244 sq. ft. second floor, frame, two-story, one family residence having one kitchen only, and 988 sq. ft. lower level recreation room with 456 sq. ft. storage area, 734 sq. ft. wood decking and 240 sq. ft. roofed over porch. All of the structures can be seen on the James P. Walsh, Land Surveyor, P.C. survey dated revised October 10, 2017. The property has not appeared before the Zoning Board twice previously.

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

The property is located on the west side of Fairview Ave., in Montauk. The application is to construct an approximately 508 sq. ft. second story dormer over the existing residence which will add approximately 100 sq. ft. of additional gross floor area to the residence.

The construction of the dormer over the existing second story is a fairly minor change to the existing residence and is located approximately 130' from the wetlands to the southeast. There is an existing second story bedroom and bathroom which will be expanded on either side by approximately 4.5' by raising the roof height along this section of the house with the dormer. This property is located between three areas of wetlands to the southeast, northeast, and southwest. The wetlands within jurisdiction east and southeast flow to the south and east towards a large wetland system located off of Fairview Avenue and eventually flows into the southern end of Lake Montauk. The proposed project has the potential to impact areas beyond the subject parcel. The wetlands within this area constitute an integral part of the natural environment, and more specifically, the hydrologic system.

The Zoning Board should note that it appears that the existing sanitary system on the property is a single leaching pool, labeled as precast cesspool on the provided survey, setback approximately 122'. There is a nexus between the addition of living space to the residence and the existing sanitary system. A sanitary system upgrade to a modern sanitary system which would greatly reduce the impacts that the residence has on the surrounding wetlands. The Board should discuss a sanitary system upgrade as mitigation for the proposed project. An upgraded sanitary system in place or to the northwest of the residence would result in a significant decrease in the impacts on the surrounding wetlands.

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:

- a. Sediment control fencing consisting of staked straw bales/silt mesh fencing should be erected in the locations on the attached Planning Department sketch dated 5/3/18 to prevent sedimentation of the wetlands. The fencing should 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 should be repaired or replaced as necessary to maintain proper function.
- b. Prior to the issuance of a building permit, the Board, or their delegate, should inspect the project limiting fencing for proper installation.
- c. 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.
- d. All structures should be situated at least 2 above the seasonal high groundwater table.
- e. A copy of the Natural Resources Special Permit and the approved survey and building plans should be available on the parcel at all times.

D. Rosenwald

TIME: 7:30:00 PM APPLICANT: Rosenwald

SIZE/LOCATION: 21,309 sq. ft. total, 100 Runnymede Dr., Map No. 3541;
Lionhead Beach Lot 83, Springs (300-023-04-09)

DESCRIPTION: To demolish the existing residence, pool and other associated structures and

construct a 3,500 sq. ft. residence, 672 sq. ft. pool, 1,620 sq. ft. of terrace, and a new

sanitary system on a parcel with bluffs and wetlands. To allow a coastal stairway to

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to 255-4-20 and three variances from 255-4-40 (coastal setbacks) of the Town Code and any relief necessary.

Variances of 23.9 ft., 25.1 ft., and 17.4 ft. are required to respectively construct the

pool, pool terrace, and pool house 51.1 ft., 49.9 ft. and 57.6 ft. from the bluff crest where a 75 ft. setback is the minimum.

ZONING DISTRICT: B Residence, Zone X Flood Zone

SEQRA CLASS: Type II

02/27/18, 5/1/2018

i. Technical Analysis Memorandum

Analysis Memo Technical

Lead Agency: (not applicable)

Planner: Lisa D'Andrea

Date completed: November 3, 2017 Site Plan

SEQRA class: Type II Sub Waiver

Physical Location: 100 Runnymede Dr. Subdivision

School District: Springs Special Permit

Zoning District: B Residence Zone Change

Overlay District: Coastal Erosion Overlay Zone 4 Variance

Tax Map Number: 300-023-04-09 Natural Resources

Applicant: Rosenwald Special Permit XX

c/o Richard Whalen

PO Box 2820

Amagansett, N.Y. 11930

Telephone: (631) 324-8716

FEMA ZONE: X Flood Zone; VE 11

Soil Type: Dune land (Du), Escarpments (Es), Montauk loamy sand sandy variant (MnB)

Map of Property: Map No. 3541; Lionhead Beach Lot 83

Size of Parcel: 21,309 sq. ft. total

Project Description: To demolish the existing residence, pool and other associated structures and construct a 3,500 sq. ft. residence, 672 sq. ft. pool, 1,620 sq. ft. of terrace, and a new sanitary system on a parcel with bluffs and wetlands. To allow a coastal stairway to remain.

Relief Requested: A Natural Resources Special Permit (NRSP) pursuant to 255-4-20 and three variances from 255-4-40 (coastal setbacks) of the Town Code and any relief necessary. Variances of 23.9 ft., 25.1 ft., and 17.4 ft. are required to respectively construct the pool, pool terrace, and pool house 51.1 ft., 49.9 ft. and 57.6 ft. from the bluff crest where a 75 ft. setback is the minimum.

Property and History:

The parcel comprises approximately 21,309 sq. ft., is situate on Runnymede Dr. in Springs, is in B Residential zoning and the soil type present on this parcel is Dune land (Du), Escarpments(Es), and Montauk loamy sand sandy variant (MnB) as per Suffolk County Soil survey.

A one story residence with a concrete patio was constructed prior to zoning. In 2002 a NRSP and a variance to construct first and second story additions, a bluestone terrace, retaining

walls and swimming pool were granted. As a condition of the permit a 10 ft. bluff crest buffer consisting of northern bayberry and beach plum shrubs was to be established.

The owner and applicant acquired the property in March of 2013.

On February 20, 2014 an Expedited NRSP was issued for the in-place reconstruction of approximately 100 linear ft. of timber bulkhead and the existing coastal staircase. A building permit for the bulkhead and staircase was issued June of 2014. A CO for the bulkhead and staircase has not been obtained.

All existing and proposed structures are depicted on a Saskas Surveying survey dated revised August 28, 2017 and received by the Board on September 12, 2017.

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

One of the first things the Planning Department wants to note is the fact that the 10 foot bluff crest buffer that was a condition of the 2002 ZBA determination has been altered. The required buffer had been planted, was inspected and found to be adequate in 2005 by the Zoning Board. It appears this buffer remained in place at least until 2013. It is still visible in the 2013 aerial photographs but in the 2016 aerials it is evident that the buffer has been significantly altered. As stated above, this property was purchased by the current owner and applicant in March of 2013.

It appears that Salt spray rose (*Rosa rugosa*), a non-native shrub, not approved by the Town for native revegetations, has been planted, replacing part of the native bluff crest that had been planted and approved. Also maintained lawn has been established in the other part of what had been revegetated as a bluff crest buffer. The clearing has been documented on the two Saska Surveying surveys submitted for this application, although uncleared credit was inaccurately given for the *Rosa rugosa*.

The expedited NRSP issued for the in-place reconstruction of the bulkhead and staircase has not been followed. A CO has not yet been issued for the bulkhead and staircase.

The staircase is not an in-place- reconstruction as the permit stipulated. It has been configured differently as is depicted on the Saskas survey dated revised August 28, 2017. It is not compliant with the definition and purpose of a coastal structure. A four foot maximum width for coastal paths and coastal stairways is a policy of New York State and the Town. The Planning Department strongly recommends that the coastal stairway be made to conform to the New York State and Town policy. If this structure is allowed to remain as is, it may set a precedent, opening the door for larger coastal staircases with functions that exceed the purpose of coastal access.

The applicant is proposing to demolish the existing 3,553 sq. ft. residence, 512 sq. ft. pool and associated structures. The proposed project will be a total redevelopment of the

property. An application that removes pre-existing nonconforming structures, removes the nonconformity. This opens up the opportunity to improve the environmental conditions on this property. And it is the Planning Department's opinion that every possibility to improve the environmental conditions should be considered.

The existing house slated for demolition is 3,553 sq. ft. The applicant proposes to construct a 3,509 sq. ft. house. It should be noted that this application was submitted in 2016 prior to the Town's adoption of new Gross Floor Area (GFA) regulations in January 2017. Because of this, a GFA variance is not required for this project. (Under the new and current GFA regulations this project (which excludes the garage area) would require a 275 sq. ft. GFA variance). The GFA calculation on the building plans does not include the attached garage. Utilized as a garage it is not considered habitable space but the Planning Department wants to point out that converting the garage into habitable space in the future would not be permitted without a substantial GFA variance.

The Board needs to keep in mind the purposes of zoning when evaluating this project. Does the proposed project maintain orderly growth of development and redevelopment within the Town Does it to protect the established character of neighborhood Does it promote the utilization of land for the purposes for which it is the most appropriate And does it preserve the Town's natural resources such as bluffs and wetlands

There are two environmental improvements this project will provide. The existing sanitary system is about 75 ft. from the wetlands. The new system will be installed 184 ft. from the wetlands. The new house will retreat landward about 40 ft. It will be about 135 ft. from the wetland and 90 ft. from the bluff crest. However, the pool, pool terrace and the pool house need substantial bluff crest variances. The overall project is an aggressive redevelopment of the property. Building coverage is proposed to increase to 16.27% where 20% is the maximum permitted. Total coverage will be at 41.22% where 50% is the maximum allowed.

There is a discrepancy in the two Saskas surveys that have been submitted for this application.

The existing total lot coverages are different. Perhaps the difference in coverage is due to the larger coastal stairway and the slate walkway that are depicted in the most recent survey submitted for this application. The applicant needs to verify which total coverage is accurate so that the Board can accurately assess this project.

If a parcel contains natural resources protected by the Town Code the Zoning Board is required by 255-5-51 to insure 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. If there is inadequate upland for the structure or use proposed, minimal exceptions to the requirements of this section may be authorized in the permit, but only after:

- (1) Alternative reasonable uses of the property are determined not to exist; and
- (2) Alternative designs entailing smaller buildings or structures, reduced yard or other setbacks, or diminished or reconfigured areas of use are determined not to be effective in preventing loss of or potential damage to designated natural features, or the only such designs are found to be infeasible or unlawful.

The Planning Department feels that an alternative, less aggressive, more consolidated design for the project is warranted.

Recommended Project Conditions:

- a. Sediment control fencing consisting of staked straw bales shall be erected concurrent with the clearing depicted on the Steven Barylski survey dated revised June 22, 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. A bluff crest buffer as depicted on the Planning Department sketch dated November 2, 2017 that reflects the clearing line on the Saskas Surveying survey dated revised November 19, 2013 should be re-established with appropriate native woody species.
- d. A revegetation plan for the bluff crest buffer 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.
- e. The residence and pool house 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.
- f. All structures should be situated at least 2 above the seasonal high groundwater table.

g. 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.

h. The driveway should be composed of only of a clean, local, water-pervious quartz gravel surface.

i. 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, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk.

j. The applicant is required to obtain all additional permits or approvals as required by law.

k. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

III. WORK SESSION:

IV. EXTENSION OF TIME:

A. *Bonnie Maslin*

307 Kings Point Road

Springs

SCTM #300-24-1-1.11

At a Regular Meeting of the Zoning Board of Appeals of the Town of East Hampton, held at Town Hall, 159 Pantigo Road, East Hampton, New York, on Tuesday, June 26th 2018 the following Resolution was duly made, seconded and adopted:

WHEREAS, by Determination filed October 13th 2016 the Board approved to place up to 150 cubic yards of clean sand landward of an existing rock revetment and plant it with beach grass on a parcel of land containing coastal bluffs, beaches and tidal wetlands ; and

WHEREAS, among the conditions was a requirement that a Building Permit be obtained within one (1) year of the date of the filing of the Determination and a Certificate of Occupancy be obtained within eighteen (18) months of the date of the filing of the Determination; and

WHEREAS, by submission of Extension of Time Application request received from Land Planning Services, dated received May 25th 2018, has requested an Extension of Time within which to obtain said Building Permit and Certificate of Occupancy;

Now, therefore, be it

RESOLVED, that the Determination, filed previously as amended and extended, is hereby amended to permit applicant to obtain a Building Permit within one (1) year of the date of the filing of this amending Resolution; and applicant shall apply for and obtain a Certificate of Occupancy no later than 18 months from the date of the issuance of a Building Permit; and

BE IT FURTHER RESOLVED, that the original Determination of approval, filed October 13th 2016. as previously amended and extended, is hereby reaffirmed in all other respects.

Dated: June 26th 2018

ALL CONCUR

B. *Kenneth Davis*

91 Gerard Drive

Springs

SCTM #300-41-2-5

At a Regular Meeting of the Zoning Board of Appeals of the Town of East Hampton, held at Town Hall, 159 Pantigo Road, East Hampton, New York, on Tuesday, June 26th 2018 the following Resolution was duly made, seconded and adopted:

WHEREAS, by Determination filed September 16th 1998 the Board approved construction of concrete retaining wall, two small attached sheds, a dormer which will raise the roof above existing loft, reconstruction of the roof on the existing dwelling, and replacement of an existing fence with brick and wood lattice fencing, the continued existence of a brick and sand patio on the seaward side of the existing residence and installation of a new gravel driveway to service the property; and

WHEREAS, among the conditions was a requirement that a Building Permit be obtained within one (1) year of the date of the filing of the Determination and a Certificate of Occupancy be obtained within eighteen (18) months of the date of the filing of the Determination; and

WHEREAS, by submission of Extension of Time Application request from Kenneth Davis, dated received June 6th 2018 , has requested an Extension of Time within which to maintain said Building Permit and Certificate of Occupancy;

Now, therefore, be it

RESOLVED, that the Determination, filed previously as amended and extended, is hereby amended to permit applicant to obtain a Building Permit within one (1) year of the date of the filing of this amending Resolution; and applicant shall apply for and obtain a Certificate of Occupancy no later than 18 months from the date of the issuance of a Building Permit; and

BE IT FURTHER RESOLVED, that the original Determination of approval, filed September 16th 1998 as previously amended and extended, is hereby reaffirmed in all other respects.

Dated: June 26th 2018

ALL CONCUR

V. POSSIBLE ADMINISTRATIVE APPLICATIONS:

A. *Lisa and Michael Schultz*

SCTM# 300-200-3-19

1 Eel Cove Road

Wainscott

Phragmites removal along Georgica Pond Shoreline

B. Green Acres LLC

SCTM# 300-200-3-20

3 Eel Cove Road

Wainscott

Phragmites removal along Georgica Pond Shoreline

VI. BOARD DETERMINATIONS:

A. O'Donoghue

SCTM# 300-5-3-12

33 Mulford Avenue

Montauk

Modification request to alter the configuration and enlarge the decking

B. Houlihan

SCTM# 300-131-1-12

1879 Montauk Highway

Amagansett

Modification request consists of adding a railroad tie bordered, stone in sand walkway from the bottom of the entry way stairs to the driveway stairs.

VII. BOARD DECISIONS:

A. *Grand Leopard*

SIZE/LOCATION: 5.621 acres (total), 17 Association Road, Wainscott (300-200-03-15)

DESCRIPTION: Not applicable.

RELIEF SOUGHT: An Appeal of the Principal Building Inspector pursuant to 255-8-30A (1) of the Town Code. Appellant seek to challenge the May 1, 2017 issuance of building permit #

64322.

ZONING DISTRICT: A5 Residence AE Flood Zones, elevation 9' & 13' & X Flood Zone

SEQRA CLASS: Type II

2/6/2018

B. *Vanderveer*

SIZE/LOCATION: 3.56 acres, 580 Three Mile Harbor-Hog Creek Hwy, Springs ()

DESCRIPTION: An appeal of the Principal Building Inspector's November 20, 2017 determination

regarding the use of the property.

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 November 20, 2017

finding that a storage warehouse was not a pre-existing use on the subject property.

ZONING DISTRICT: A Residence

SEQRA CLASS: Type II

C. *Proscia*

SIZE/LOCATION: 41873, 22 Edison Drive, Montauk (300-068-04-15300-068-04-15.1)

DESCRIPTION: To allow an 890.82 sq. ft. sports court to remain within side and rear yard setbacks

RELIEF SOUGHT: Variances from 255-11-10 (Table of dimensional regulations). A 47.1 variance is required to allow the garage to remain 2.9 from the western (side yard) lot line where a

50 setback is required. A 32 variance is required to allow the sports court to remain 18 from the southern (rear yard) lot line where a 50 setback is required.

ZONING DISTRICT: A Residence Zone X Flood Zone

SEQRA CLASS: Type II

5/1/2018

D. McDonald

SIZE/LOCATION: 16,800 sq. ft., 38 Seabright Avenue, The estates of Montauk, Lots 11-13 and Lots 14-18, Springs (300-096-05-10300-096-05-10.1)

DESCRIPTION: To allow a 120 sq. ft. shed and 214 sq. ft. pool patio to remain within side and rear yard setbacks

RELIEF SOUGHT: Three variances from 255-11-10 (Table of dimensional regulations) of the Town Code. One variance of .7 for the shed to remain 9.3 feet from the rear yard lot line where a

10 set back is required. One variance of 3 for a pool patio to remain 17 from rear yard lot line where a 20 setback is required. One variance of 4 for the same pool patio to remain 16 from side yard setback where 20 is required.

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

VIII. RESOLUTIONS