



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"/>	

II. CANCELLED PUBLIC HEARING:

III. 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

Not Available at This Time

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.

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

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

i. Technical Analysis Memorandum

Not Available at This Time

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.

IV. WORK SESSION:

V. EXTENSION OF TIME:

VI. POSSIBLE ADMINISTRATIVE APPLICATIONS:

VII. BOARD DETERMINATIONS:

VIII. BOARD DECISIONS:

IX. MINUTES APPROVAL:

X. RESOLUTIONS