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OCT 28 2016

## TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684Planning Department  
Marguerite Wolffsohn  
DirectorTelephone (631) 324-2178  
Fax (631) 324-1476*Technical Analysis Memo*

**Lead Agency:** (not applicable)  
**Planner:** Tyler Borsack *TB*  
**Date completed:** October 13, 2016  
**SEQRA class:** Type II  
**Physical Location:** 32 Hedges Backs Dr.  
**School District:** East Hampton  
**Zoning District:** A Residence  
**Overlay District:** N/A  
**Tax Map Number:** 300-035-05-1  
**Applicant:** Abundance 32, LLC  
C/O Christopher T. Considine  
Tamari Law Group, LLC  
55 West Monroe St., Suite 2370  
Chicago, IL 60603

*Site Plan*  
*Sub Waiver*  
*Subdivision*  
*Special Permit*  
*Zone Change*  
*Variance* XX  
*Natural Resources*  
*Special Permit* XX  
*Other:*

**Telephone:** 312-368-5021  
**FEMA ZONE:** X Flood Zone, VE 11 Flood Zone  
**Soil Type:** Carver and Plymouth sands 3-15% slopes (CpC)  
**Map of Property:** North Hollow, lot 18, map # 6058  
**Size of Parcel:** 57,551 sq. ft. (total)

**Project Description:**

To allow the existing fencing to remain within jurisdiction and setbacks of bluffs and tidal wetlands

**Relief Requested:**

Two variances from the East Hampton Town Code and a Natural Resources Special Permit pursuant to §255-4-20 of the East Hampton Town Code are required for this application. One variance of 18', from §255-4-30 of the Town Code, is required to allow the fencing to remain 82' from tidal wetlands where a 100' setback is required. One variance of 99', from §255-4-40 of the Town Code, is required to allow the fencing to remain approximately 1' from the bluff crest where a 100' setback is required, and any other relief necessary.

**Property Conditions and History:**

The property is currently improved with an approximately 1,722 sq. ft. two story residence and a 674 sq. ft. wood deck with garage under. The most recent C.O. was issued on the property in 1979. The property has appeared before the Zoning Board previously in 2012/2013 for a permit to construct a stairway down the face of the bluff and in 1988 for continued maintenance, revegetation, and restoration of the bluff.

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

The property is located within the on Hedge Banks Drive fronting on Gardiners Bay, in East Hampton. The applicants are requesting approval to allow two existing fences along the eastern and western property lines to remain within setbacks of the bluff crest and tidal wetlands. The fence on the east side of the property is located 1' from the bluff crest while the fence on the west side is located 5' from the bluff crest. The subject parcel is located within the 'Northwest' Scenic Area of Statewide Significance and is part of the Northwest Harbor section of the Peconic Estuary Programs critical natural resources area.

The bluff on this property has been continually eroding over the years. The house foundation was constructed 100' from the bluff crest in 1979. In 1987 the foundation was 95' from the bluff crest. In 1997 the bluff crest was 84' seaward of the house. The survey submitted with the application in 2012 depicted the house at 69.5' from the bluff crest. The current survey shows the house setback 63.3', the bluff crest is identified as being flagged on 6/23/2014. Approximately 36' has been lost from erosion over the past 37 years on this property.

It was noted in the last review of this property in 2012 that the bluff face had been slumping and had significant erosion issues. A maintained and mowed lawn extends to the edge of the bluff crest. Lawns such as the one on the subject parcel do not provide the anchoring and stabilizing effects that native trees, shrubs, and herbaceous vegetation provide. Any irrigating of these shallow root systems can also increase the rate of bluff slumping and erosion. The Board should examine the requested variances associated with the fencing in light of the existing erosion that has been taking place on this property, additional structures close to the bluff crest have the potential to negatively impact erosion and also the beach and tidal areas if they are undermined. It should be noted that as part of the previous 2013 approval on this property for stairs down the bluff, a 10' revegetation buffer and bluff stabilization plan was incorporated in the conditions as mitigation.

The fence on the east side of the property is 7' in height and will require ARB approval if the variances are approved by the Zoning Board. If the Board is considering granting the variances, they may want to discuss the 7' fence height and if it leads to a change in the character of the neighborhood. Fences in general along the bluff face like this may be a change in the character of the neighborhood as they have not historically been utilized.

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. Approval from the Architectural Review Board should be received prior to the issuance of a C.O.

ROUTING LIST

Directions: Check to indicate recipients. Initial after material has been routed.

\* = Routed via e-mail

Routing of material to be mailed by:

- Planning Department
- Town Clerk

- Zoning Board of Appeals
- Planning Board

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Architectural Review Board

Sanitation Inspector

Natural Resources Director

Planning Board

East Hampton Town Trustees

Town Board

Building Department

Fire Prevention Department

Zoning Board of Appeals

Planning Director

Town Engineer

East Hampton Village Clerk

Sag Harbor Village Clerk

East Hampton Town Highway Department

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Suffolk County Planning Commission  
EAF's to be routed with full referrals  
 Zoning, Attn: Chief Planner  
 Subdivisions, Attn: Principal Planner  
PO Box 6100  
Hauppauge, NY 11788-0099

New York State Department of  
Environmental Conservation  
Bureau of Marine Habitat Protection  
Building 40, SUNY  
Stony Brook, NY 11790-2356

Suffolk County Department of Health  
Services  
Division of Environmental Quality  
Office of Ecology  
360 Yaphank Avenue, Suite 2B  
Yaphank, NY 11980

Federal Aviation Administration  
Airport Program Manager  
600 Old Country Road, Suite 446  
Garden City, NY 11530

New York State Department of  
Transportation, Attn: Permit Engineer CE1  
NYS Office Building  
Veterans Memorial Highway  
Hauppauge, NY 11788

State Clearinghouse  
New York State Division of Budget  
State Capital  
Albany, NY 12224

Long Island Regional State Park and  
Recreation Commission  
PO Box 247  
Babylon, NY 11702

Federal Emergency Management  
Agency  
Regional Director  
26 Federal Plaza  
New York, NY 10278

NYS Department of State Division of Coastal  
Resources  
Attn: Consistency Review & Analysis  
41 State Street  
Albany, NY 12231-0001

US Fish & Wildlife Service  
Long Island Field Office, Attn: Supervisor  
PO Box 608  
Islip, NY 11751-0608

Suffolk County Department of Public  
Works, Attn: Chief Engineer  
335 Yaphank Avenue  
Yaphank, NY 11980

US Army Corps of Engineers  
Manager  
26 Federal Plaza, Room 1937  
New York, NY 10278-0098

New York State Department of  
Environmental Conservation  
625 Broadway  
Albany, NY 12233-1750

Suffolk County Water Authority  
Director of General Services  
PO Box 38  
Oakdale, NY 11769-0901

New York State Department of  
Environmental Conservation  
Regional Permit Administrator  
50 Circle Rd.  
SUNY @ Stony Brook  
Stony Brook, NY 11790-3409  
DEC Permit # \_\_\_\_\_

USDA Natural Resource  
Conservation Service  
District Manager  
County Center  
Riverhead, NY 11901

Applicant