



# TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

BY: \_\_\_\_\_  
DEC 8 - 2016  
RECEIVED

Planning Department  
Marguerite Wolffsohn  
Director

Telephone (631) 324-2178  
Fax (631) 324-1476

## Technical Analysis Memorandum

**Lead Agency:** (not applicable)  
**Planner:** Brian Frank *BAF*  
**Date completed:** 11/28/2016  
**SEQRA class:** Type II  
**Physical Location:** 336 Cranberry Hole Road  
**School District:** Amagansett  
**Zoning District:** A Residence  
**Overlay District:**  
**Tax Map Number:** 300-128-01-19.2  
**Applicant:** Alexandra & Bernal Vargas  
C/o BHH Architects  
Brooklyn Navy Yard, Bld. 131, Ste 3E;  
63 Flushing Ave., Unit 278  
Brooklyn, NY 11205

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

**Telephone:** (917) 415-8783  
**FEMA ZONE:** AE Flood Zone, elevation 10'  
**Soil Type:** Dune land (Du)  
**Map of Property:**  
**Size of Parcel:** 40,146 sq. ft.

### Project Description:

To construct an approximately 1,464 sq. ft. two-story addition with 1<sup>st</sup> and 2<sup>nd</sup> story decking to a residence on a parcel of land containing dune land and beach vegetation.

### Relief:

A Natural Resources Special Permit (NRSP) pursuant to § 255-4-20 of the Town Code.

### Property Conditions and History:

The premises are improved with an approximately 2,529 sq. ft. two-story residence and swimming pool initially constructed subsequent to NRSP review by the Zoning Board in 1987. The application also proposes the relocation of the sanitary system from the north side of the residence, where the addition is proposed, to the southeast corner of the property. The existing and proposed improvements are depicted on the Saskas Surveying Company survey dated revised 5/25/16. The corresponding floor and elevation plans were prepared by BHH Architects (6 pgs) dated revised 5/18/16 and stamped received by the Board on 6/16/16. The property appears to have been acquired by the current owner in 2009.

The property was created as part of a minor subdivision in 1985 that established a 50' scenic easement adjacent to the northern lot line and over a secondary dune in the eastern portion of the property. The subdivision also established a driveway easement in the eastern portion of the property and a pedestrian access easement to the shoreline of Gardiners Bay on the north side of Cranberry Hole Road. The relocation and enlargement of the sanitary system requires the approval of the Suffolk County Department of Health Services (SCDHS).

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

The property is characterized by pristine secondary dune land beyond the existing clearing limits. This dune land is a protected natural feature as defined in § 255-4-10 of the Town Code, and consequently, a NRSP is required for any construction or disturbance to this feature. Cranberry Hole Road is one of few remaining areas of the Town where there is extensive pristine dune land vegetation and this dune land contributes significantly to the character of this neighborhood. Many of the plant species that grow in this habitat are restricted to native dune land soils with their rapid drainage, low nutrient levels and their symbiotic dependence upon micorrhizal fungi. These species and the undulating dune features on which they form cannot effectively be created by landscaping techniques and the most effective measure of conservation on privately owned parcels in these areas is to limit land clearing to the minimum area practical. This dune land habitat has become less common throughout Long Island and the Mid-Atlantic region. Among the dominant vegetation are beach heather (*Hudsonia tomentosa*) and bearberry (*Arctostaphylos uva-ursi*), an evergreen ground cover species forming a dense carpet across large areas of the parcel.

The parcel is located within in a Scenic Area of Statewide Significance (SASS) the Peconic Estuary Program's Montauk Critical Natural Resources Area (PEP-CNRA). The property is located approximately 125' north of the boundary of a Locally Significant Coastal Fish and Wildlife Habitat. Napeague State Park, consisting of more than 136 acres, adjoins virtually all of the properties along Cranberry Hole Road to the south. The Board needs to evaluate if the scale of the proposed addition will result in undue disturbance to the protected natural features of the dune land and beach vegetation on the property. In order to be eligible for the NRSP, §255-5-40 (K) of the Town Code requires that "*the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes...*" Section 255-5-51(D) further requires that "*All structures... 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 addition as proposed will increase building coverage from 1,596 sq. ft. to 2,681 sq. ft. (68%). Land clearing has been proposed 5' from the northwest corner of the addition and may not be realistic. The Board should note that the existing clearing limits and area calculations do not appear to be accurate and it appears that virtually all of the land located within the wire fence, partially located within the scenic easement, are cleared of native vegetation.

Any application approved by the Board should require the relocation of the pool fence from within the scenic easement and should require either the accurate identification of the clearing limits and the revegetation of at least some of the existing cleared areas of the property. Preliminary comments from the Suffolk County Department of Health Services (SCDHS) indicate that the proposed sanitary system will need to be located at least 150' from the private water supply well on the adjoining property to the south of the premises and be designed to meet a 3' separation between the leaching pools and the highest expected groundwater elevation. The applicant should indicate the status of the application with SCDHS prior to or at the public hearing for this application.

***Recommended Project Conditions:***

For any project that the Board determines meets the NRSP standards, the following mitigation measures should be incorporated into the approval:

- a. Project limiting fencing should be erected to limit land disturbance during construction concurrent with a clearing boundary approved by the Board prior to the commencement and for the duration of construction activities.
- b. The Board, or their delegate, prior to the issuance of a building permit, should inspect the project limiting fencing and straw bales for adequacy.
- c. The clearing of vegetation and grading should be strictly limited to a boundary established by the Board and the elevations depicted on the approved survey. Pending the proximity of structures or clearing to the scenic easement, the Board should consider having the location of the project limiting fence staked in the field by the surveyor.
- d. The existing pool fence should be relocated from within the scenic easement to a location

approved by the Board.

- e. The applicant should 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 should 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, should be recorded at the Office of the Suffolk County Clerk. Copies of the same, with proof of recordation shown thereon, should be returned to the Town Clerk prior to the issuance of a building permit.
- f. Any upgraded or relocated sanitary system should obtain a permit from the Suffolk County Department of Health Services (SCDHS) and should be approved by the Board prior to the issuance of a building permit for any construction.
- g. The establishment of turf, lawn, sod or ornamental vegetation should be prohibited and all disturbed areas on the parcel should be revegetated with indigenous dune land species in accordance with the species, sizes and spacing indicated on a Board approved revegetation plan.
- h. All structures should be situated at least 2' above the seasonal high groundwater table.
- i. All roofed structures should be furnished with gutters and leaders to direct storm water from roofs into one or more catchment basins. Said catchment basin or basins shall have a combined volume (in cubic feet) equal to the surface area of the roof (in square feet), divided by six. Said catchment basin shall be made available for inspection by the building inspector prior to backfill.

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

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

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



**BUILDING DEPARTMENT**  
**TOWN OF EAST HAMPTON**  
300 Pantigo Place - Suite 104  
East Hampton, New York 11937

**General Building Permit Information on Property**

**Tax Map Number :** 472489 128.000-0001-019.002 0000  
**Location :** 336 CRANBERRY HOLE RD  
**Zone :** A **Hamlet :** Amagansett **URP :**  
**Map :** **Block :** **Lot :**

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**Permit Information:**

4/3/85 - Subwaiver - EST OF PHYLLIS MULFORD, Pl Bd

10/8/86- ZBA file- MALLORY, BRUCE J.- 3-4-87

B.P. 23436- BRUCE MALLORY - Residence

3/17/88- C.O. 8283(23426)- BRUCE MALLORY - 1254 SQ FT AT FIRST FLOOR, 1077 SQ FT AT SECOND FLOOR OF ONE-FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 768 SQ FT WOOD DECK.

5/9/90- ZBA file- BRUCE MALLORY - Clear 10' path to beach

12/11/91- ZBA- BRUCE MALLORY- Sw pool and deck appvd.

2/26/92- Memo fr ZBA Re: Landscaping plan appvd for issuance of B.P. for sw pool

3/5/92 - B.P. 29710 - BRUCE MALLORY - Sw pool, deck

3/4/93- B.P. 30839- BRUCE MALLORY - Renewal of 29710

4/6/98- C.O. 15470(29710, 30839)- BRUCE J. MALLORY - 648 SQ FT VINYL SW POOL WITH PROPER FENCING & DRY WELL & 850 SQ FT WOOD DECK.

2/13/04 - WETLANDS - BUCE & PATRICIA MALLORY - LOT INSP. CONSTRUCTION OF ADDNS. W/IN SOUTHERN DECK FOOTPRINT - COMPLETED. NRSP NOT REQ'D. (DETERMINATION VALID FOR 3 YRS. FR. DATE OF MEMO).

8/6/04 - B.P 47181 - BUILD 84 SQ. FT. ONE STORY ADDITON TO ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, CONVERT 144 SQ. FT. SECOND FLOOR DECK TO HABITABLE SPACE, BUILD 84 SQ. FT. SECOND FLOOR DECK AND 144 SQ. FT. ROOF DECK - PATRICIA & BRUCE MALLORY. (INSPECTION DAY THURSDAY) (C.O FEE PAID).

2/17/06 - RENEWAL - BRUCE & PATRICIA MALLORY - EXP. 8/6/06.

4/5/06-C.O.22844(47181) - BRUCE & PATRICIA MALLORY - 84 SQ. FT. ONE-STORY ADDITION AND CONVERSION OF 144 SQ. FT. EXISTING SECOND FLOOR DECK TO LIVING SPACE, 84 SQ. FT.

## General Building Permit Information on Property

**Tax Map Number :** 472489 128.000-0001-019.002 0000  
**Location :** 336 CRANBERRY HOLE RD  
**Zone :** A **Hamlet :** Amagansett **URP :**  
**Map :** **Block :** **Lot :**

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SECOND FLOOR DEDK AND 144 SQ. FT. ROOF DECK ALL TO EXISTING ONE FAMILY RESIDENCE.

5/04/10 - B.P 55025 - BERNAL J. & ALEXANDRA VARGAS - BUILD 25 SQ. FT. COVERED ENTRY, CHANGE (6) SIX WINDOWS, SLIDING DOOR AND HINGED DOOR PER ALL APPLICABLE CODES. (INSPECTION DAY THURSDAY) (CO FEE PAID).

1/20/11-ZBA - BERNAL J. VARGAS, III (BERNAL J. VARGAS, III & ALEXANDRA S. VARGAS, OWNERS) - NRSP - GRANTED.

1/06/12 - B.P 56630 - BERNAL J. & ALEXANDRA S. VARGAS - CONSTRUCT 84 SQ. FT. WOOD DECK, RELOCATE CELLAR ENTRY AND POOL EQUIPMENT AT SINGLE FAMILY RESIDENCE PER ADMINISTRATIVE N.R.S.P DATED 1/20/11 AND ALL APPLICABLE CODES. (INSPECTION DAY THURSDAY) (CO FEE PAID).

2/9/12-C.O.27421(23436,29710,30839,47181,55025,56630) - BERNAL & ALEXANDRA VARGAS - 1254 SQ. FT. FIRST FLOOR, 1077 SQ. FT. SECOND FLOOR, FRAME, TWO STORY, ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 768 SQ. FT. WOOD DECK; AND 84 SQ. FT. ONE STORY ADDITION, CONVERSION OF EXISTING 144 SQ. FT. SECOND FLOOR DECK TO LIVING SPACE, 144 SQ. FT. ROOF DECK; 25 SQ. FT. COVERED ENTRY; AND 84 SQ. FT. WOOD DECK; 648 SQ. FT. VINYL SWIMMING POOL WITH PROPER FENCING, DRY WELL AND 850 SQ. FT. WOOD DECKING.

6/02/16 - B.P 62644 - BERNAL J. & ALEXANDRA VARGAS - DEMOLISH 360 SQ. FT. FIRST FLOOR, SECOND FLOOR DECKS; BUILD 500 SQ. FT. FIRST FLOOR, 400 SQ. FT. SECOND FLOOR INTERIOR/EXTERIOR ALTERATIONS; 795 SQ. FT. FIRST FLOOR, 747 SQ. FT. SECOND FLOOR ADDITIONS; 386 SQ. FT. FIRST FLOOR DECK, 741 SQ. FT. SECOND FLOOR DECK AND 693 SQ. FT. FIRST FLOOR ATTACHED GARAGE AT SINGLE FAMILY RESIDENCE PER ALL APPLICABLE CODES. (INSPECTION DAY THURSDAY) (CO FEE PAID).



**BUILDING DEPARTMENT  
TOWN OF EAST HAMPTON**

**300 Pantigo Place - Suite 104  
East Hampton, New York 11937**

**CERTIFICATE OF OCCUPANCY**

**Certificate Number : 27421**

**Fee :**

**(B.P. 23436,29710,30839,47181,55025,56630)**

**Issue Date : 02/09/2012**

**This certifies that the structure located at 336 CRANBERRY HOLE RD**

**Tax Map : 472489 128.000-0001-019.002 0000**

**Hamlet : Amagansett**

**URP :**

**Map :**

**Block :**

**Lot :**

**As show on a survey dated 06/08/2011 prepared by F. MICHAEL HEMMER, LS, P.C. conforms substantially to all of the requirements of the applicable provisions of the law, at time of construction.**

**The occupancy for which this certificate is issued is:**

**1254 SQ. FT. FIRST FLOOR, 1077 SQ. FT. SECOND FLOOR, FRAME, TWO STORY, ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 768 SQ. FT. WOOD DECK; AND 84 SQ. FT. ONE STORY ADDITION, CONVERSION OF EXISTING 144 SQ. FT. SECOND FLOOR DECK TO LIVING SPACE, 144 SQ. FT. ROOF DECK; 25 SQ. FT. COVERED ENTRY; AND 84 SQ. FT. WOOD DECK; 648 SQ. FT. VINYL SWIMMING POOL WITH PROPER FENCING, DRY WELL AND 850 SQ. FT. WOOD DECKING.**

**The certificate is issued to :**

**BERNAL J. VARGAS, III  
ALEXANDRA S. VARGAS**

**owner of the aforesaid structure.**

**SUBWAIVER: ESTATE OF PHYLLIS MULFORD - 4/3/85.**

**ZBA: MALLORY - 10/8/86. 3/4/87.**

**ZBA: MALLORY - 5/9/90; 12/11/91.**

**ZBA: BERNAL VARGAS - 1/20/11.**

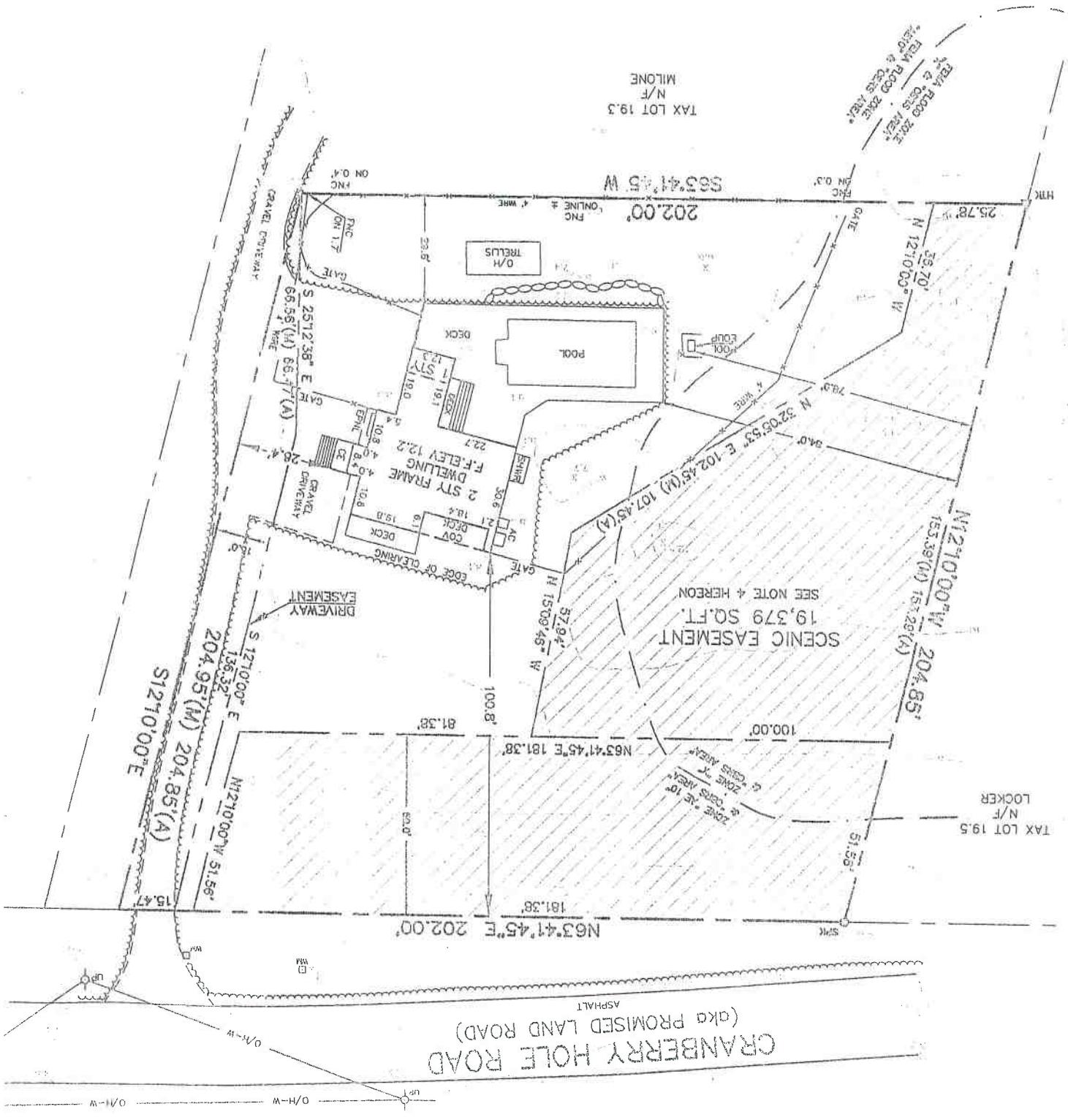
**Thomas Preiato,  
Senior Building/Zoning Inspector**

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY

IDENTIFICATION & ALTERATION NOTE:

TABLE OF AREAS  
 LOT SIZE

EXISTING TOTAL CLEARING	8,062
ALLOWED TOTAL CLEARING	20,032
(40,126 ± 0.25 ± 10,000)	
EXISTING TOTAL ROOFED COVERAGE	1,514
ALLOWED TOTAL ROOFED COVERAGE	6,019
(40,126 ± 0.15)	



CRANBERRY HOLE ROAD  
 (aka PROMISED LAND ROAD)  
 ASPHALT