



# TOWN OF EAST HAMPTON

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

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NOV 9 2016  
BY:

Planning Department  
Marguerite Wolffsohn  
Director

Telephone (631) 324-2178  
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## Technical Analysis Memo

**Lead Agency:** (not applicable)  
**Planner:** Tyler Borsack *TB mw*  
**Date completed:** October 31, 2016  
**SEQRA class:** Type II  
**Physical Location:** 116 West Lake Drive  
**School District:** Montauk  
**Zoning District:** A2 Residence  
**Overlay District:** N/A  
**Tax Map Number:** 300-019-10-10.3  
**Applicant:** Dana Termini  
P.O. Box 1236  
Montauk, NY 11954

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

**Telephone:** 516 -383-6620  
**FEMA ZONE:** X Flood Zone  
**Soil Type:** Bridgehampton silt loam, till substratum, 2-6% slopes (BhB);  
Bridgehampton silt loam, 0-2% slopes (BgA)  
**Map of Property:** Montauk Beach Development Corp., South Portion of West Lake  
Residential Section, Subdivision 6, Block 150 Lot 3, p/o lots 4 & 5, and  
abandoned parts of Gerard Place & South Fern Street, map # 1016.  
**Size of Parcel:** 40,916 sq. ft. (total)

### Project Description:

To allow a residence to have no interior access to the basement level.

### Relief Requested:

One variance from §255-11-67A(3) is required for this application to allow the exterior access to be the only means of access to the basement; and any other relief necessary.

### Property Conditions and History:

The parcel is currently improved with an approximately 1,203 sq. ft. one story residence with 746 sq. ft. finished lower level, 142 sq. ft. deck and 432 sq. ft. screened porch. All of the structures are depicted on the George Walbridge Surveyors, P.C. survey dated revised May 4, 2015 and on the D.B. Bennett, P.E., P.C. Consulting Engineer plans dated received May 23, 2016. No C.O. has been issued on the property. This parcel has not appeared before the Zoning Board previously.

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

The applicant is currently before the Board for approval to allow their residence to exist with an exterior set of stairs as the only means of access to the basement. An interior access to the basement is required under §255-11-37A(3) of the Town Code, which reads; "There shall be at least one common entrance on the ground floor, through which every room, other than a utility room, shall be readily accessible by passage through the interior of the residence. This subsection shall not apply to an affordable accessory apartment approved pursuant to § 255-11-63 of this chapter."

A submission to the file from the applicant states that the applicant received a building permit with the same plans that were constructed. It appears that the error was missed by the Building Department until their final inspection for a C.O. This submission also details the applicants

reasoning for requesting the variance vs. making the residence comply with the code.

The ZBA approved a similar application in 2012 under the name Pushelberg (SCTM# 300-131-08-15) to allow a residence, which had previously received a NRSP and bluff variances, to continue to exist with only an exterior entrance to the second story. The majority of the Board approved the project with the exception of one member dissenting. This is the only other application requesting relief from this section of the code that the Planning Department is able to find.

The Zoning Board needs to decide if the applicant meets the variance standards in §255-8-50 of the Town Code. 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.

***Recommended Project Conditions:***

1. N/A

ROUTING LIST

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| <input type="checkbox"/> Architectural Review Board         | <input type="checkbox"/> Sanitation Inspector                 |
| <input type="checkbox"/> Natural Resources Director         | <input type="checkbox"/> Planning Board                       |
| <input type="checkbox"/> East Hampton Town Trustees         | <input type="checkbox"/> Town Board                           |
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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant