

TOWN OF EAST HAMPTON

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

Planning Department
Marguerite Wolffsohn
Director

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

Technical Analysis Memo

Lead Agency: (not applicable)

Planner: Lisa D'Andrea *LD* *WJ*

Date completed: December 10, 2013

SEQRA class: Type II

Physical Location: 209 Three Mile Harbor Hog Creek Hwy.

School District: Springs

Zoning District: A Residence

Overlay District: Harbor Protection Overlay District (HPOD)

Tax Map Number: 300-077-05-3.1

Applicant: Thomas Walsh
c/o Tarbet & Lester, PLLC
PO Box 2635
Amagansett, N.Y. 11930

Site Plan

Sub Waiver

Subdivision

Special Permit

Zone Change

Variance

Natural Resources

Special Permit XX

Telephone: (631) 907-3500

FEMA ZONE: X Flood Zone

Soil Type: Plymouth loamy sand, 8-15% slopes (Plc)

Map of Property:

Size of Parcel: 31,501 sq. ft. total

Project Description: To demolish an existing cottage and replace it with a 1,676 sq. ft. two story residence with 132 sq. ft. of deck and an upgraded sanitary system.

Relief Requested: A Natural Resources Special Permit pursuant to § 255-4-20 and three variances from § 255-4-30 (wetland setbacks) of the Town Code. Variances of 41.1 ft. and 45.6 ft. are respectively required to construct the residence 58.6 ft. and the deck 54.4 ft. from the wetland where a minimum 100 ft. setback is required. A 4.2 ft. variance is required to install the sanitary system 145.8 ft. from the wetland where a 150 ft. minimum is required.

Property Conditions and History:

The parcel comprises approximately 31,501 sq. ft., is situated on Three Mile Harbor Hog Creek Hwy. in Springs, is in A Residential zoning and the soil type present on this parcel is Plymouth loamy sand as per Suffolk county Soil survey. The property is in Harbor Protection Overlay District (HPOD).

The premises are improved with a one story residence with a brick patio. It also has a one story detached cottage with living quarters and a deck in dilapidated condition. All structures were erected before the adoption of zoning. The most recent Certificate of Occupancy (CO) was issued on May 31, 2013.

All existing and proposed structures are depicted on a George Walbridge Surveyors survey dated revised July 31, 2013 and received by the Board on August 5, 2013.

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

The premises have two pre-existing non-conforming residences on a parcel zoned for single family residence.

The primary residence is non-conforming in regards to bluff crest setback, pyramid, and side yard setback. The premises are under new ownership as of June 9, 2011. It appears the detached

cottage in dilapidated condition as described in the CO has not been a functional residence for some time. The demolition of the dilapidated cottage creates the opportunity for the applicant to design a project that complies with zoning or if that is not feasible to create a project that complies with zoning as much as is practicable. The existing cottage is 200 sq. ft. with decks. The demolition of the existing cottage removes the pre-existing non-conformities and is therefore not subject to the 50% rule of Town Code §255- 8-60. The new house is proposed to be a 1,676 sq. ft. two story residence with 132 sq. ft. of decks which will be substantially larger and closer to the wetlands than the existing cottage. This application before the Board proposes to increase the non-conformities even more than what exists now.

The fact that the wetland edge has been altered by a bulkhead does not decrease its importance as a wetland. The wetland is directly connected to Three Mile Harbor and the water quality of the harbor. Bulkheads are not water tight and are not intended to block groundwater flow. The bulkhead does not have significant impact on groundwater flow or ground water elevation. Water flows through or around it depending on the depth that the sheet pile has been driven. Bulkheads have weep holes and allow for seepage. This wetland edge also lacks any kind of vegetated buffer on the three sides of the bulkhead. That is to say there is no root system anchoring the soil and absorbing nutrients, and pollutants carried in storm water runoff.

As the application is presented, the new sanitary system is proposed to be located 78 ft. from the northern neighbor's well and would require a 21.3 ft. variance from Suffolk County Health Department (SCHD). Public water, it appears is not available at this time in this area. The closest water mains are about 3,300 feet away.

It appears an application has been filed with the SCHD for the new sanitary system. According to the comments submitted by the SCHD in response to the application, the SCHD is requiring certification that the existing sanitary system for the primary residence is precast. If it is not precast, that system according to the SCHD will have to be upgraded. The proposed new sanitary system for this project has been located in the most conforming location given the proximity of the neighbor's well and the wetlands. As stated above, this system will require a substantial variance from the SCHD's minimum 100 ft. setback from wells. However, if public water becomes available and the well on the property to the north can be abandoned, the sanitary system could be located further from the wetland. Moving the sanitary system closer to Three Mile Harbor/Hog Creek Hwy would, in turn, allow the proposed new residence to be located in a more conforming location reducing the size of the wetland setback variances that would be required.

The property is in HPOD and the clearing that exists is pre-existing non-conforming and therefore the maximum allowed. The survey indicates that 1,731 sq.ft. of revegetation is proposed for the area required to be cleared for the installation of the sanitary system. No further details about the revegetation have been submitted with this application. The revegetation of 1,731 sq. ft. would not bring the property into closer compliance with HPOD but would maintain the present pre-existing nonconformity.

A new well has been proposed in between the existing house and proposed new house to service both residences and this new well will meet the 100 ft. minimum sanitary system setbacks. It should be noted that at the writing of this analysis the location of the well on the property to the south has not been determined.

The Board must determine if the project complies with the Natural Resources Special Permit standards of § 255-5-40 in order to issue a NRSP permit.

The applicant must also 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 Board must determine whether the variances sought are the minimum necessary.

Recommended Project Conditions:

- a. Project limiting fencing with staked straw bales should be erected to limit land disturbance and prevent sedimentation of the wetlands in the location depicted on the Planning Department sketch dated December 10, 2013.
- 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 applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of the appropriate paragraphs {(d), (e), (f)} 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. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk prior to the issuance of a building permit.
- d. The parcel should be revegetated in accordance with a plan approved by the Board. The plan should include species, sizes, spacing and number of plants proposed. The revegetation should be completed prior to the issuance of a Certificate of Occupancy.
- e. All roof runoff should be directed by leaders and gutters into subsurface drywells.
- f. All structures should be situated at least 2' above the seasonal high groundwater table.
- g. An Article 25 Tidal 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.
- h. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

MAP OF PROPERTY

SITUATE

THREE MILE HARBOR

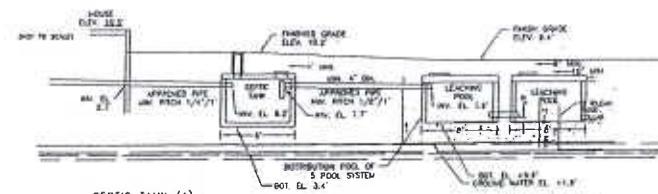
Town Of East Hampton, Suffolk Co., N.Y.

Scale: 1"=40'

Area: 31,501 S.F. or 0.723 Acres To Tie Line

Lot Area: 30,723 S.F. or 0.705 Acres To Top Of Bluff
Harbor Protection Overlay District

Certified To:
Thomas Walsh

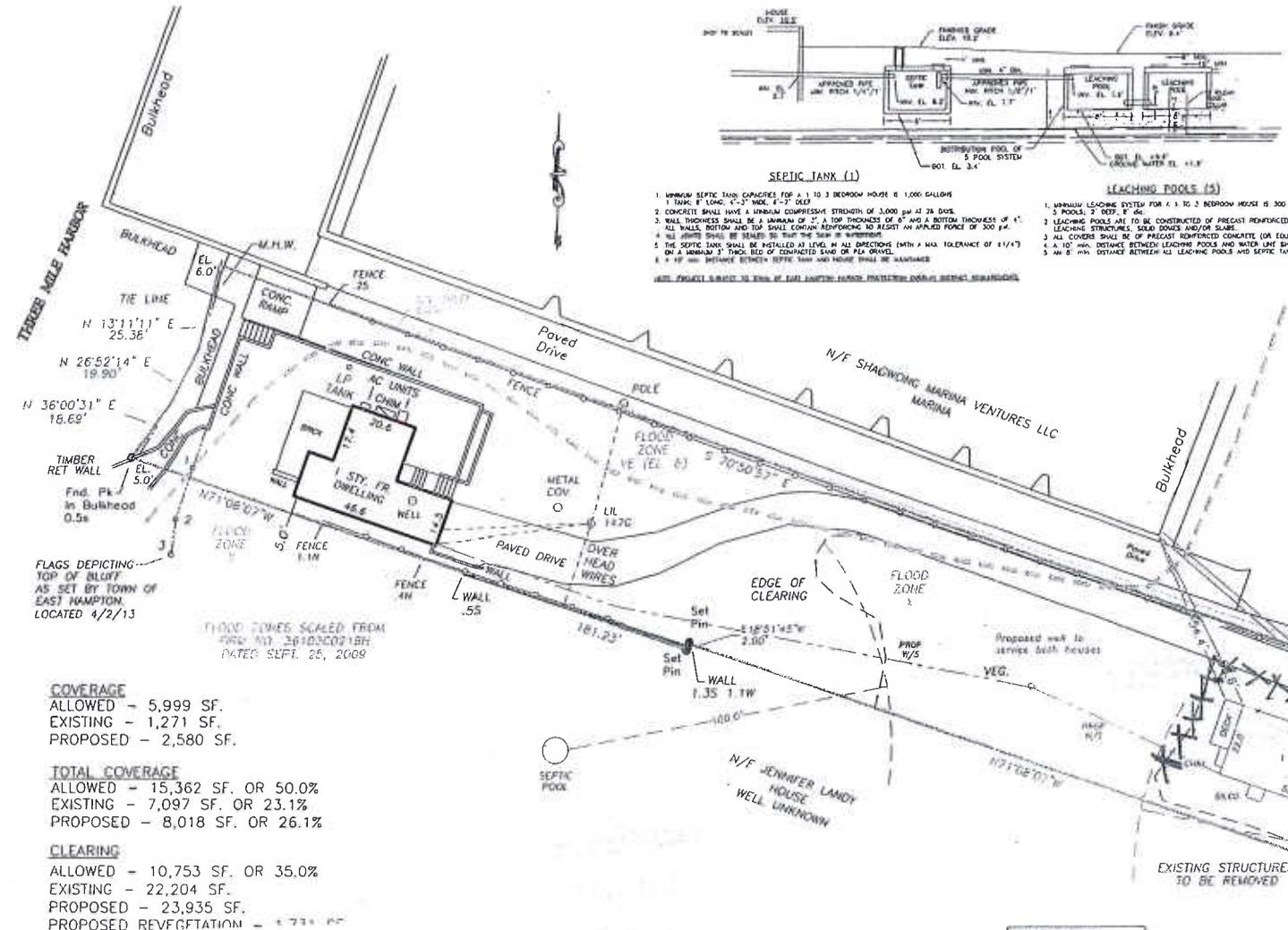
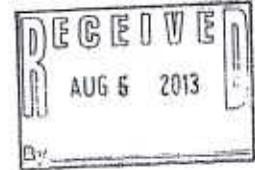


- SEPTIC TANK (1)**
- MINIMUM SEPTIC TANK CAPACITY FOR A 1 TO 3 BEDROOM HOUSE IS 1,000 GALLONS
 - TANK 1' LONG, 4'-3\"/>
- LEACHING POOLS (5)**
- MINIMUM LEACHING SYSTEM FOR A 1 TO 3 BEDROOM HOUSE IS 300 sq ft SEPARATE AREA
 - POOLS: 2' DEEP, 8' DIA.
 - LEACHING POOLS ARE TO BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE (SEE PLAN)
 - LEACHING STRUCTURES: SOLID DOSES AND/OR SLABS
 - ALL COVERS SHALL BE OF PRECAST REINFORCED CONCRETE (OR EQUAL)
 - A 10' MIN. DISTANCE BETWEEN LEACHING POOLS AND WATER LINE SHALL BE MAINTAINED
 - A 5' MIN. DISTANCE BETWEEN ALL LEACHING POOLS AND SEPTIC TANK SHALL BE MAINTAINED
- SEE PROJECT SUBJECT TO STATE OF FULL LEACHING HARBOR PROTECTION OVERLAY DISTRICT REGULATIONS

SANITARY CALCULATIONS

SANITARY USE: SINGLE-FAMILY RESIDENCE
TWO (2) DRAINABLE BEDROOMS PER SCDS POLICY #19
GROUNDWATER MANAGEMENT ZONE 'N'
DEPTH TO GROUNDWATER: 6.4'

ALTERNATIVE SYSTEM REQUIRED:
DITFALL #7 - PROPOSED DWELLING:
SEPTIC TANK: (1) 1,000 GAL. SEPTIC TANK
LEACHING POOLS: (5) 8' DIA., 2' DEPTH LEACHING POOLS



- COVERAGE**
- ALLOWED - 5,999 SF.
 - EXISTING - 1,271 SF.
 - PROPOSED - 2,580 SF.
- TOTAL COVERAGE**
- ALLOWED - 15,362 SF. OR 50.0%
 - EXISTING - 7,097 SF. OR 23.1%
 - PROPOSED - 8,018 SF. OR 26.1%
- CLEARING**
- ALLOWED - 10,753 SF. OR 35.0%
 - EXISTING - 22,204 SF.
 - PROPOSED - 23,935 SF.
 - PROPOSED REVEGETATION - 1,731 SF.

3.0'	Mixed Sand & Loom
5.0'	Brown Silty Sand SM
6.4'	Brown Fine To Coarse Sand SW
7.0'	Water in Brown Fine To Coarse Sand SW
13.0'	Water in Brown Fine To Medium Sand SF

TEST HOLE DATA
2/4/13
McDonald Geoscience

SANITARY DESIGN BY:
D.B. Bennett, P.E., P.C.
Consulting Engineer
3 Railroad Ave.
East Hampton, NY 11937
Tel/Fax: (631)-907-0023
WWW.DBB-PE.COM

Drew B. Bennett, P.E.
Lic. # 075744

Date

Town of East Hampton Planning Department

- ⊙ ⊙ ⊙ = Project Limiting Fence
- ✕ ✕ ✕ = Project Limiting Fence with Staked Straw Bales
- ▨ ▨ ▨ = Location of Proposed Scenic Easement

Prop. Well
Well
Prop. Sani.
Adjoiners & SCWA
Proposed Sanitary
- Proposed
- Lot Area & Colcs
Bluff Crest
- Flood Zones, Corner Elev's, Colcs.
Adj. Bulkhead
pdate
?

GEORGE WALBRIDGE SURVEYORS, P.C.
Land Surveyors & Land Planners
300 Pantigo Place - Suite 116
East Hampton, Long Island, N.Y. 11937
Phone: (631) 324-0412 Fax: (631) 324-9849
E-mail: ehsurveyor@aol.com

Date: 12/10/13
Scale:
File Name: WALSH
Sheet No.: 1
This sketch is adapted from a survey dated revised 7/31/13
George Walbridge

ROUTING LIST

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

* = Routed via e-mail

Routing of material to be mailed by:

- | | |
|--|---|
| <input type="checkbox"/> Planning Department | <input checked="" type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Town Clerk | <input type="checkbox"/> Planning Board |
| <hr/> | |
| <input type="checkbox"/> Architectural Review Board | <input type="checkbox"/> Sanitation Inspector |
| <input type="checkbox"/> Natural Resources Director | <input type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> East Hampton Town Trustees | <input type="checkbox"/> Town Board |
| <input type="checkbox"/> Building Department | <input type="checkbox"/> Fire Prevention Department |
| <input type="checkbox"/> Zoning Board of Appeals | <input checked="" type="checkbox"/> Planning Director |
| <input type="checkbox"/> Town Engineer | <input type="checkbox"/> East Hampton Village Clerk |
| <input type="checkbox"/> Sag Harbor Village Clerk | <input type="checkbox"/> East Hampton Town Highway Department |
| <hr/> | |

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

Attn: Deputy Regional Permit Administrator

Region 1, Regulatory Affairs

Building 40, SUNY

Stony Brook, NY 11790-2356

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