



TOWN OF EAST HAMPTON

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

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NOV 28 2016

BY:

Planning Department
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Director

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Technical Analysis Memo

Lead Agency: N/A
Planner: Eric Schantz *ES mw*
Date completed: October 29, 2016
SEQRA class: Type II
Physical Location: 3 South Edison Street
School District: Montauk
Zoning District: RS: Resort
Overlay District: Coastal Erosion Overlay District,
Flood Hazard Overlay District
Tax Map Number: 300-050-02-22
Applicant: Frans Preidel
120 West 21st Street
New York, NY 10011

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

Telephone: (917) 912-3119
FEMA ZONE: VE el. 17
Soil Type: Bc: Beaches, SdA: Scio silt loam, sandy substratum, 0 to 2 percent slopes
Map of Property: Montauk Beach Devel Corp., Sub 1; Fort Pond Business Section Blk 20;
lots 13 & 14
Size of Parcel: 4,738 sq. ft. (excluding areas seaward of dune crest)

Project Description:

To replace an existing 67 sq. ft. (6.7' X 10') shed, 16 sq. ft. (4' X 4') outdoor shower, & roughly 72 sq. ft. of decking with a new 145 sq. ft. (10' X 14.5') shed.

Relief Requested:

A Natural Resources Special Permit (NRSP) pursuant to section 255-4-20 of the Town Code. A variance from the maximum allowable building coverage of section 255-11-10 of the Town Code. A variance of 1.5' from the Pyramid Law of section 255-11-72 D of the Town Code. A 48.1' variance from the minimum bluff crest setbacks of section 255-4-40 B of the Town Code whereas a minimum setback of 100' is required and a setback of 51.9' is proposed and any other relief that may be necessary.

Property Conditions and History:

The subject parcel contains a single – family residential dwelling within the commercial RS: Resort Zoning District of downtown Montauk. It is extremely constrained for a residentially-developed lot at 4,738 sq. ft. (roughly .13 acres). It is entirely seaward of the Coastal Erosion Hazard Line and is within FEMA flood zone VE (el. 17). At its southern end, the lot contains a roughly 80' long portion of the primary dune which buffers downtown Montauk from the Atlantic Ocean. The primary planning concern on this lot is the impact of coastal storms on the primary dune, and in turn the impact that this has on the integrity of the structures on the lot and the prudence of allowing further development to occur.

The portion of the dune on the subject parcel represents the terminus of the short (roughly 500') uninterrupted section of the dune that also protects the Royal Atlantic Motel to the west. This portion of the dune was part of the recent Army Corp of Engineers coastal protection project and has been reinforced with sand and geotextile bags, which runs the length of the dune from South Edgemere Street east to South Edison Street. Dating back to 2000, this dune

section had been the subject of a total of eleven (11) emergency dune restoration permits between the subject lot and the Royal Atlantic Motel to the immediate west prior to the Army Corp project: Four (4) (2004, 2008, 2010, & 2012) for the subject parcel and seven (7) such permits within this time frame for the neighboring Royal Atlantic Motel (2002, 2005, 2006, 2007, 2010, 2011, 2013).

In addition to the hazards presented by the nearby Atlantic Ocean, the portion of dune on the subject property is also adversely impacted by erosion due to the access cuts that exists at South Edison Street. Storm-water run-off from the downtown Montauk grid runs generally south and often ponds in this vicinity and sporadically runs into the Atlantic Ocean. Vehicular and pedestrian traffic also contribute to further erosion.

The most recent certificate of occupancy reads:

12/17/15 - C.O. 30991 (46931, 53206, 53545, 55010, 55073, 55355, 57554, 58370) - DALAL PREIDEL - ONE-STORY, FRAME, SINGLE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, CONTAINING A TOTAL OF (2) TWO BEDROOMS ONLY, ENCLOSED PORCH, WOOD DECK, WOOD WALL, ALL ERECTED PRIOR TO THE ADOPTION OF ZONING; 67 SQ. FT. SHED, EIGHT FOOT HIGH STOCKADE FENCE, AND TEN FEET HIGH FENCE.

Planning Department Analysis and Recommendations for the Boards Consideration:

As evidenced by the aforementioned flood and coastal erosion area designations this parcel is situated in an area of extreme vulnerability to direct wave action as the result of coastal storms. The Town and Federal efforts to reinforce the primary dune and protect this and other shoreline properties may reduce the potential for damage to on-site structures but can never truly eliminate them for these properties as it is simply a matter of proximity to the Atlantic Ocean that makes them vulnerable. The subject parcel is no exception and the Planning Department, in principal, advises against any projects that would represent further development in such an area of extreme vulnerability.

The proposed shed is minor in scale at 10' X 14.5' (145 sq. ft.). Although total building coverage would increase by 78 sq. ft., the total lot coverage would be reduced by 10 sq. ft. This is due to the fact that although the new shed is larger in size than that what exists (145 sq. ft. v 67 sq. ft.) which increases building coverage, and it is proposed to be placed where an existing shed, shower and decking exists which total 155 sq. ft., reducing total lot coverage by 10 sq. ft.

The Zoning Board of Appeals will ultimately need to determine if the application can meet the variance standards of section 255-8-50 D of the Town Code. In particular, whether the benefit to the applicant outweighs any detriment to the general health, safety and welfare of the neighborhood, and whether the requested variances are the minimum necessary.

As mentioned above, this property has been routinely severely impacted by storm damage due to direct wave action. The most recent such significant damage occurred as a result of Hurricane Sandy in October 2012. Subsequently a building permit for an emergency dune restoration was issued on December 10, 2012. A certificate of occupancy was subsequently obtained in December 2015 (see above). Based upon aerial photographs from the Spring of 2013, it appears that the majority of the vegetation on the dune was either destroyed or removed as part of the dune restoration process. As can be seen in the photos supplied to the Zoning Board of Appeals in a separate memorandum from the Planning Department, this area had previously been almost entirely American beach grass (*Ammophila breviligulata*) with a number of invasives, particularly Japanese black pine (*Pinus thunbergii*) mixed in. The previous lot inspection record identified this area as beach grass, which is a protected natural feature under the Town Code and the removal of which requires a Natural Resources Special Permit.

Based upon a site inspection, it appears that this area has been entirely revegetated, mostly with American beach grass but also with a number of ornamentals mixed in, specifically what appears to be a variant of Eastern red cedar (*Juniperus virginiana*). As noted above, this dune restoration was granted a certificate of occupancy. However, the Zoning Board of Appeals should consider requiring that the site be revegetated in a manner more in keeping with what is usually required on a primary dune, which is commonly American beach grass (only).

Recommended Project Conditions:

1. The Board should discuss requiring the removal of the ornamental plant species in favor of a revegetation plan which includes American beach grass (only)

ROUTING LIST

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* = Routed via e-mail

Routing of material to be mailed by:

- Planning Department
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- Zoning Board of Appeals
- Planning Board

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Building Department

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Planning Director

Town Engineer

East Hampton Village Clerk

East Hampton Town Highway Department

Land Acquisition and Management 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

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

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

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

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

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

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

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
Attn: Deputy Regional Permit Administrator
Region 1, Regulatory Affairs
Building 40, SUNY
Stony Brook, NY 11790-2356
DEC Permit # _____

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

Applicant