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TOWN OF EAST HAMPTON BY: _____

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: Tyler Borsack *TB MWJ*
Date completed: February 19, 2016 (Updated 11/3/16)
SEQRA class: Type II
Physical Location: 57 Sammy's Beach Road
School District: East Hampton
Zoning District: A2 Residence
Overlay District: Harbor Protection Overlay District
Tax Map Number: 300-056-01-22
Applicant: John F. Donovan
C/O Shawn M. Barron
124 Pleasure Drive
Riverhead, NY 11901

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

Telephone: 631-786-6672
FEMA ZONE: VE 10 Flood Zone, X Flood Zone
Soil Type: Du (Dune land)
Map of Property: N/A
Size of Parcel: 39,511 sq. ft. (total)

Project Description:

To renovate the existing structure, placing it on pilings, construct 1,175 sq. ft. of first and second story additions, second story decking over the existing first story, a 576 sq. ft. detached garage, upgraded sanitary system with retaining wall and a relocated driveway on a parcel of land containing tidal wetlands, dunes, and beach vegetation.

Relief Requested:

Two variances and a Natural Resources Special Permit pursuant to §255-4-20 of the East Hampton Town Code are required for this application. Variances of 66' and 29' from §255-4-40 of the Town Code are required to construct the proposed decking and residence 52.8' and 71', respectively, from the dune crest where a setback of 100' is required, and any other relief necessary.

Property Conditions and History:

The parcel is currently improved with an approximately 1,326 sq. ft. one story residence with 240 sq. ft. wood deck and 80 sq. ft. shed. All of the structures are depicted on the F. Michael Hemmer, LS, P.C. survey dated revised September 22, 2015. The most recent C.O. was issued in 2013 for a "1,240 sq. ft. one story, frame, one family residence having one kitchen only, 240 sq. ft. wood decking; and 80 sq. ft. shed". This parcel has not previously appeared before the Zoning Board.

Planning Department Analysis and Recommendations for the Boards Consideration:

The applicant is currently before the Board for approval in order to renovate the existing residence, placing it on pilings to meet FEMA requirements, and construct 1,175 sq. ft. of first and second story additions.

The bay side of Sammy's Beach Road is an area of Town with several long standing nonconforming residences that have not been improved in many years. Most of these properties are similar in their existing nonconforming setbacks to the dune crest, similar constraints on the

property, and room landward to relocate when redeveloping. When discussing this application, the Board should consider how these properties should be redeveloped over the course of the coming years as this is one of the first properties, if not the very first, to come before the Zoning Board in recent history.

As proposed the Planning Department recommends denial of the project. The Planning Department feels that the project is not the minimum variance necessary, is achievable by other methods available, and would be an undesirable change in the character of the neighborhood. Currently, the existing residence would be able to request nonconforming additions of up to 663 sq. ft., utilizing the 50% cap allocated in §255-8-60, which would increase the size of the existing residence from approximately 1,326 sq. ft. to 1,989 sq. ft. The proposed additions use the entirety of the 50% expansion limit as well as the 512 sq. ft. first and second story additions on the landward side of the residence, which are not subject to the 50% cap since they are conforming when utilizing the 50' setback in §255-4-40(E)(4).

Considering all of the proposed structures, the applicants are proposing a 2,429 sq. ft. residence (an 83.2% increase) with 576 sq. ft. detached garage. The building coverage is proposed to increase from 1,326 sq. ft. to 2,087 sq. ft. while the total lot coverage is proposed to increase from 3,906 sq. ft. to 5,356 sq. ft. Clearing on the property is proposed to be improved by revegetating a few areas of bamboo and minimizing the amount of additional clearing required. Total clearing on the property is being reduced from 6,820 sq. ft. to 6,776 sq. ft.

The applicant is no longer proposing to relocate the residence further back on the property because of issues with the DEC requiring them to relocate completely landward of the CEHA line if redeveloping the property. The DEC will allow the applicants to expand the existing residence's "ground area coverage" as long as it does not exceed 25% of the existing footprint.

The proposed size of the residence is very large for the neighborhood and a significant increase over what is currently existing on the property. The Planning Department recommends keeping the existing footprint of the residence and adding a second story within the limits of the 50% expansion rule. A second story over the footprint of the existing residence would be in keeping with the current neighborhood. Any approval by the Board on this application will help set the tone and shape what the neighborhood will start to look like in the future. Examining this application as having the possibility of setting a precedent is a central part of the application to consider when in such an environmentally constrained and sensitive location.

The Sammy's Beach peninsula is a unique area of Town which is between and in close proximity to both Three Mile Harbor to the south and Gardiners Bay to the north. Because of its small width, close proximity to both water bodies, and its low lying geography it is a particularly sensitive area of duneland which is especially susceptible to storm damage. The Sammy's Beach area is within the Three Mile Harbor Scenic Area of Statewide Significance and part of the LWRPs significant coastal fish and wildlife habitat. The property contains areas within category 2 and 3 of the NYSLOSH maps where the residence will be located, most of the property is seaward of the CEHA line, and a portion of the property is located within the VE 10 flood zone.

The LWRP mentions Sammy's Beach extensively throughout;

"Limiting development in ecologically sensitive and flood prone areas such as the bay mouth spits of Sammy's Beach and Gerard Drive is critical to retaining their natural protective features, to avoid overstressing groundwater resources, and to prevent pollution of surrounding surface waters."

"At Sammy's Beach, the developed area within the flood and erosion hazard zone is also a sensitive ecological area, and the Town should work out equitable ways to limit additional development and restrict expansion of existing development."

"Sammy's Beach is one of the most vulnerable areas to flooding and erosion in the Town, with a number of dwellings within the CEHA... Because the area is vulnerable to flooding and erosion, expansion of existing homes should be limited, including secondary structures such as pools."

The applicants will also be installing a new sanitary system with retaining wall between the

residence and proposed garage as well as raising the residence to meet the FEMA VE 10 flood zone requirements.

The applicants are also including a 576 sq. ft. detached garage setback 36' from the front yard lot line. This area of Town is a poor candidate for the addition of such a large accessory structure, nearly reaching the maximum sized allowed for any accessory structure. A 576 sq. ft. detached garage does not fit in with the neighborhood, does not represent sound natural resources planning, and does not appear to meet the NRSP and general standards of the Town Code. The construction of the garage will also require the relocation of the driveway to the east side of the property, clearing and disturbing one of the few locations of high quality duneland left on the property. The applicants already have adequate access to the property, it appears to be unnecessary to clear additional dune land vegetation. Additionally, no building plans were submitted for the detached garage and being so close to the side yard lot line the Board should request, or the applicant provide prior to the public hearing, plans which show the garage conforming to the Towns pyramid regulations.

The Zoning Board needs to decide if the application meets the variance standards in §255-8-50. 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.

The applicant must demonstrate compliance with the NRSP standards of § 255-5-51 of the Town Code in order to be eligible for the issuance of the requested NRSP. Specifically;

D. Preservation of natural resources. All structures and uses, other than coastal structures, shall be located on upland and 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 applicant must also demonstrate compliance with the general standards of §255-5-40 of the Town Code. Specifically;

D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.

K. Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes...

The Board should also look closely on how this application will set precedent for other properties in the neighborhood with future redevelopments. The Board may also want to discuss establishing a scenic easement over a portion of the lot landward of the dune crest, allowing for the existing access to remain.

Recommended Project Conditions:

1. 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 approved survey labeled 'proposed edge of clearing' prior to the commencement and for the duration of construction activities.
2. The Board, or their delegate, prior to the issuance of a building permit, should inspect the project limiting fencing and straw bales for adequacy.
3. All areas disturbed by construction activities should be revegetated with Beach Grass (*Ammophila breviligulata*) planted 12" on centers in culms of three or more in staggered rows.
4. The establishment of turf, lawn, sod or ornamental vegetation should be prohibited.
5. The residence should be furnished with gutters and leaders to direct stormwater from roofs into one or more catchment basins. Said catchment basin or basins should have a combined volume (in cubic feet) equal to the surface area of the roof (in square feet), divided by six. Said catchment basin should be made available for inspection by the building inspector prior to backfill.

6. All structures should be situated at least 2' above the seasonal high groundwater table.
7. The driveway should be composed of only of a clean, local, water-pervious quartz gravel surface.
8. 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.
9. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

ROUTING LIST

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- Town Clerk

- Zoning Board of Appeals
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Architectural Review Board

Sanitation Inspector

Natural Resources Director

Planning Board

East Hampton Town Trustees

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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