



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

**FIRE ISLAND NATIONAL SEASHORE**

120 Laurel Street  
Patchogue, New York 11772  
(631) 687-4750

IN REPLY REFER TO:

L-15 (FIIS)

February 8, 2013

David Genaway, Commissioner  
Planning Department  
Town of Islip  
655 Main Street  
Islip, New York 11751

Re: Amendment to Chapter 68. Zoning – Residential Height Regulations on Fire Island

Dear Commissioner Genaway:

Thank you for providing the Fire Island National Seashore with the opportunity to review and comment on the proposed height amendments to the Zoning Code for the Town of Islip. Per the proposed code amendment, you are making changes specifically to:

- § 68.3 Definitions – Building Height
- § 68.49 Building Height in Residence AAA District
- § 68.109 Building Height in Residence B District
- § 68.139 Building Height in Residence BAA District

Upon our review, we have determined that only two of the sections are relevant to properties located within the boundary of the Seashore, Sections 68.3 and 68.139. The other two districts are outside of the jurisdiction of the National Park Service, so we defer to the town on those districts.

With regard to the first of the two Fire Island sections, § 68.3 Definitions – Building Height is completely consistent with the Federal Zoning Standards. Per 36 C.F.R 28.12(f) *No building or accessory structure may be erected to a height in excess of 28 feet as measured from the average existing ground elevation or the minimum elevation necessary to meet the prerequisites for Federal flood insurance as determined by the National Flood Insurance Program/FEMA, shown on Flood Insurance Rate Maps for Fire Island communities.* Per your proposed code, “...

building height shall be measured from the average grade of the ground at the base of the structure or the minimum elevation necessary to meet the prerequisites for Federal flood insurance..." In other words, these codes are now basically identical.

Regarding § 68.139 Building Height in Residence BAA District, you are simply proposing to strike that section that allows for the additional two feet of development above the maximum requirement of 28 feet, because the subjective determination of needing two extra feet is addressed in the amendment proposed in § 68.3, Building Height definition. Again, this is not inconsistent with the federal standards.

In conclusion, we reiterate our determination that the proposed amendment to Chapter 68. Zoning is consistent with the Federal Zoning Standards, and no objection to the town's decision to implement this change.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Soller". The signature is fluid and cursive, with a large initial "C" and "S".

K. Christopher Soller  
Superintendent