



United States Department of the Interior

NATIONAL PARK SERVICE
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

Review and Comments on Building/Zoning Permit Application

Applicant(s):

Owner: Edward & Carla Bianchi

Tax Map #:

986.70-1.15

Application No.:

#16 on April 18, 2012

Zoning Authority:

Brookhaven

Community:

Water Island

Object (Yes/No):

Yes

If Objection status is "Yes", property will be subject to the condemnation authority of the Secretary of the Interior, if built as proposed, or previously built with or without permits beyond allowable standards.

Reason for Objection: 36 CFR Part 28.10(b)(2)

Objection Type: New development in Seashore District

Comments:

Property is located in the Seashore District of Fire Island National Seashore, rather than within the boundary of the exempted community of Water Island. See attached supplemental letter.

Review of this application for construction or variance request within the Fire Island National Seashore is made in accordance with 36 C.F.R. Part 28, Federal Zoning Standards for Fire Island National Seashore.



Superintendent

4/13/2012

Date

Cc: Applicant



United States Department of the Interior

NATIONAL PARK SERVICE
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

IN REPLY REFER TO:

(L1415) FIIS
xSCTM 986.70-1.15

April 13, 2012

Paul M. DeChance, Chairman
Board of Zoning Appeals
Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

**RE: Edward & Carla Bianchi SCTM# 986.70-1.15 W/O Water Island, Fire Island
Case #16 on April 18, 2012**

Dear Mr. DeChance:

As you can see from the form letter with our comments regarding this application, this property is technically not located within the boundary of the exempted community of Water Island. Therefore, the zoning standards that govern this property are different than those which govern developments within the communities, resulting in our objection to this proposed development. These standards, found in 36 CFR Part 28, Federal Zoning Standards for Fire Island National Seashore, are as follows:

§ 28.3(b) *The Community Development District.* (1) The seventeen communities which comprise the Community Development District are set out below with their respective west/east boundaries.

§ 28.3(b)(xvi) *Water Island,* the community's west boundary is defined as the west line of Charach Walk. This property is located 75 feet west of the west boundary of Charach Walk, as shown on the survey provided with this application, and thereby placing it within the Seashore Development District of Fire Island National Seashore.

§ 28.3(c) *The Seashore District.* The Seashore District is comprised of all portions of the lands and waters within the boundary of the Seashore which are not included in the Community Development District with the exception of the headquarters facilities at Patchogue and the William Floyd Estate at Mastic.

§ 28.12(e) Lot occupancy of all privately-held improved property in the Seashore District is limited to 35 percent of the square footage of a lot that is less than 7,500 square feet, and to 2,625 square feet for a lot 7,500 square feet or greater.

By instrument dated October 25, 1993, Mr. Bianchi applied for and was approved to receive a Certificate of Suspension of Authority for Acquisition by Condemnation by the National Park Service. On the application to receive this certificate, the development was stated to be 1,282 s.f. A copy of

that survey was presented to the town in 1993 to request a building permit to relocate the existing structures northward in response to the storms of the early 1990s that caused a significant amount of erosion along the oceanfront in this area of Fire Island. By letter dated October 12, 1993, then Superintendent Jack Hauptman had no objection to that proposed relocation. A copy of that letter and its accompanying survey are included herein. Since that time, development has expanded on the property to what is now shown on the survey submitted with this application, dated 11/10/05, to be 5,022 s.f., clearly in excess of the maximum of 2,620 s.f. allowed on Seashore District properties.

The certificate issued to Mr. Bianchi, which is intended to "run with the land", "*if 1) such property is, after the date of the enactment of the Fire Island National Seashore Amendments Act of 1984, made the subject of a variance under, or become an exception to, any applicable zoning ordinance approved under 16 U.S.C § 459e-2; and 2) such a variance or exception results, or will result, in such property being used in a manner that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to section 16 U.S.C § 459e-2 and in effect at the time such variance or exception took effect*", the suspension recognized by this certificate will be terminated.

This property exceeds the development standards set forth in 36 CFR Part 18 for private parcels in Seashore District lands. Consequently, the Seashore objects to the issuance of a variance for the construction of a swimming pool.

Thank you for your consideration on the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Soller".

K. Christopher Soller
Superintendent

Enclosures

**TOWN OF BROOKHAVEN BOARD OF ZONING APPEALS
ONE INDEPENDENCE HILL, FARMINGVILLE, N.Y. 11738**

NOTICE OF PROPOSED APPLICATION FOR VARIANCE – SPECIAL PERMIT

PLEASE TAKE NOTICE, the undersigned **Edward & Carla Bianchi, 149 Bowery 4R, New York, NY, 10002**

Has made application to the Board of Zoning Appeals of the Town of Brookhaven, Suffolk County, N.Y., by filing a petition in writing which will be heard on **April 18, 2012** pursuant to Article IV, Section 85-29 of the Building and Zoning Ordinance of the Town of Brookhaven and is hereby requesting:

front yard setback variance for proposed above ground swimming pool.

LOCATION: West side Charach Walk 275' West of West Walk, Water Island (200-986.7-1-15)

OWNER OF SUBJECT PARCEL: same as above

If you require any further information, prior to the scheduled hearing date, please appear in person at One Independence Hill, Farmingville, (1st floor). There will be no information concerning this application given over the phone.

All persons interested in the proposed variance – special permit will be heard on the above-mentioned date at **ONE INDEPENDENCE HILL, FARMINGVILLE, N.Y. (AUDITORIUM – 2ND FLOOR)**

TIME: 4 P.M.

CASE # 16

This notice is being sent to you by the undersigned in accordance with the provision of the Building and Zoning Ordinance of the Town of Brookhaven.

Dated 4/6/12

Applicant EDWARD BIANCHI



Town of Brookhaven Long Island

OFFICE OF THE BOARD OF ZONING APPEALS

Paul M. DeChance, Chairman

TO: F.I. NATIONAL SEASHORE
FIRE ISLAND NATIONAL SEASHORE
120 LAUREL ST
PATCHOGUE, NY 11772

FROM: BOARD OF ZONING APPEALS

RE: Edward & Carla Bianchi - West side Charach Walk 275' West of West
Walk, Water Island

DATE: February 1, 2012

FOR YOUR INFORMATION, PLEASE FIND ATTACHED A PHOTOCOPY OF
THE ABOVE-CAPTIONED APPLICATION TOGETHER WITH A COPY OF THE
SURVEY AND BUILDING DEPARTMENT APPLICATION SCHEDULED FOR
OUR PUBLIC HEARING OF **April 18, 2012** CASE # **16**.

THE BOARD WOULD APPRECIATE YOUR COMMENTS.

Encs.

(16) APR 18

APPLICATION TO THE BOARD OF ZONING APPEALS
 (FILE IN TRIPLICATE - ALL PAGES MUST BE LEGIBLE)
BACKSIDE OF WHITE PAGE MUST BE SIGNED & NOTARIZED
SEE INSTRUCTION SHEET FOR ADDITIONAL REQUIREMENTS

APPLICANT NAMED BELOW MUST BE (check one)
PROPERTY OWNER **OR IN CONTRACT TO PURCHASE**
 Name: EDUARDO + CARLA PIANCA

Address: 149 BOWERY 4E
NEW YORK, NY, 10002

Phone #:
 Also Notify: SARKIS & ZACCARO ARCHITECT
17 MAIN ST., SAYVILLE, NY, 11782

Phone #: 631-589-9888

VARIANCES REQUESTED

LOT AREA
 LOT WIDTH
 FRONT YARD SETBACK 4.5' to POOL
 REAR YARD SETBACK
 SIDE YARD SETBACK minimum
 total
 1st STORY SQ. FT.
 2nd STORY SQ. FT.
 OTHER

LOCATION OF SUBJECT PROPERTY
 N S E side of CHAPOCK WALK
 Distance 276' N S E of WEST WALK

Village PATCHOGUE
 Property is zoned R D (as shown on current zoning map)
 Address of property 260 CHAPOCK WALK
 S.C. TAX MAP NO. 986, appeal after this

Has building permit or proposed use been denied by Building Department? Yes No
 (To be stamped by Building Department) 002263

Request: **SPECIAL PERMIT**
 Describe: FINDS
BEACH ADVISORY 12/1/12

SEC. OF BUILDING ZONE ORD.

FEE: Poster Chain of Title SEGRA
 Minor Setback Lot Area Special Permit
 Clearing/Buffer/Covenant Relief Appeal Administrative Decision Other

1. Is there a school, library, church, hospital, orphanage or fire hall within 200 ft. of the premises in question? NO

2. Is property located on an improved road? NO
 3. Is road Town maintained? NO

4. Is the property in question conforming to the lot area requirement? Yes No

5. When was property acquired?

6. When was area upzoned?

7. Has premises ever been the subject of a prior application for a variance/special permit before the Board of Appeals?
 Yes No If yes, when? #122 12/19/07

8. a) Is the property within one (1) mile from any nuclear power plant or airport? Yes No
 b) Is the property within 500 ft. of the following:

- (1) the boundary of any village or town? Yes No
- (2) any existing or proposed County, State parkway, thruway, expressway road or highway? Yes No
- (3) any existing or proposed County, State or Federal park or other recreation area? Yes No
- (4) existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines? Yes No
- (5) the existing or proposed boundary of any County, State or Federally owned land held for government use? Yes No
- (6) the Atlantic Ocean, Long Island Sound, any bay in Suffolk County or estuary of any of the foregoing bodies of water? Yes No

9. Is this property situated in (a) Historic District? NO (b) Hydrogeological Sensitive Zone? NO (c) Suffolk County Pine Barrens Zone? NO If yes, Compatible Growth Area? NO or Core Preservation Area? NO

10. Is SEGRA applicable to any part of this application? Yes No

LIST THE STRUCTURE(S) REQUIRING VARIANCE(S); SPECIFY WHETHER EACH ITEM IS PROPOSED OR EXISTING:
POOL 45' x 10.4'



TOWN OF BROOKHAVEN BUILDING & FIRE PREVENTION
 ONE INDEPENDENCE HILL, FARMINGVILLE, NY 11738
 PHONE # (631) 451-6333 - www.brookhaven.org

APPLICATION FOR BUILDING AND ZONING PERMIT

Each application must be typewritten or printed and have all information answered. Incomplete or illegible applications will not be accepted. APPLICATION is hereby made for a permit to do the following work, which will be done in accordance with the description, survey and plans submitted pursuant to Section 57 of the Worker's Compensation Law, Zoning Ordinances, Building Code and all other applicable ordinances and laws.

Article 15 of the Executive Law of the State of New York, Section 296-5 (A) (1) prohibits discrimination in the sale, rental or lease of housing accommodations because of race, creed, color or national origin.
 (Type or print firmly to ensure legible copy. No carbon necessary) ZBA # 002263

Applicant CARLA + EDWARD No. & St. 141 Bowers 4 R
 Village or City NEW YORK State NY Zip 10002 Phone 516-818-1226
 Architect or Engineer JOHN BLARCO No. & St. 12 MAIN ST.
 Village or City SAVILE State NY Zip 11782 Phone 631-589-9888
 Contractor or Builder _____ No. & St. _____
 Village or City _____ State _____ Zip _____ Phone _____
 Property located at No. 260 N.S.E. side CHAPECH WALK Distance 275'
 N.S.E. of WEST WALK Village PATCHOGUE State of New York
 Map _____ Section _____ Lots _____
 Owner of record on tax rolls _____ Item No. _____ School District _____
 County Tax Map Section 986.7 Block 1 Lot 15
 Use and size of proposed work PROPOSED 45' x 19.4' POOL

This application must be signed in two places below, by the owner and the applicant, even if they are the same.

I hereby certify that I am the owner of the property that is the subject of this application and acknowledge that the described work is intended to take place on said property. By signing this application, I acknowledge that there may be restrictive covenants or agreements held by private and/or public entities and do agree to fully comply with all requirements of said covenants and/or agreements. Any false statement made herein is punishable as a misdemeanor pursuant to § 201.45 of New York Penal Law.
 Date: 1/12/12 Print Name: CARLA EDWARD BARNES Signature: _____
 Date: _____ Print Name: _____ Signature: _____

I hereby certify that I have examined this complete application and the statements therein are true and correct to the best of my knowledge and belief, and that all work shall be done in accordance with all applicable Town, County, State and Federal Laws. By signing this application, I acknowledge that there may be restrictive covenants or agreements held by private and/or public entities and do agree to fully comply with all requirements of said covenants and/or agreements. Any false statement made herein is punishable as a misdemeanor pursuant to § 201.45 of New York Penal Law.
 Date: 1/12/12 Print Name: CARLA EDWARD BARNES Signature: Carla Barnes
 Date: _____ Print Name: _____ Signature: _____

This application must be signed in two places above, by the owner and the applicant, even if they are the same.

FOR BUILDING USE ONLY:

Proposed use RD AE14
 Zoning District _____
 Property Area _____
 Property Width _____
 Front Yard Setback 4.5' Front (pool)
 Rear Yard Setback _____
 Side Yard Setback _____
 Side Yard Setback _____
 S.C.H.D. _____
 Survey _____
 Plans _____
 Other _____
 Permit approved date _____ Per _____
 Permit Denied (expires in 60 days) date 1/31/12 Per JD

Permit #:	Issued:
Receipt #:	Issued:
1 st floor area: _____ sq. ft. = _____	
2 nd floor area: _____ sq. ft. = _____	
Accessory area: _____ sq. ft. = _____	
Permit Fee: _____	Estimated Value: _____
Add. Fee: _____	
Plan. Fee: _____	
TOTAL: _____	C/A _____

Remarks: HIT XII 85-170E Front yard 4.5' for pool

* PRIV. GRANT FOR POOL (ASC 22 OF 1/9/08)
 Building Permit# _____

CO #: _____ Issued: _____ CC #: _____ Issued: _____
 () Approved for issuance of certificate Per: _____

Remarks:

() 1. Bldg. Insp. approved	() 7. Planning Board approved	() 13. Disclosure approved
() 2. Plumbing Insp. approved	() 8. Highway Dept. approved	() 14. Smoke approved
() 3. Final Survey approved	() 9. Assessment Cert. approved	() 15. Energy STAR approved
() 4. Electric Cert. approved	() 10. Lead Test approved	() 16. Pictures approved
() 5. S.C.H.D. approved	() 11. Debts Affidavit approved	() 17. Other _____
() 6. Fire Prevention approved	() 12. Steel Affidavit approved	