



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: Vera Esposito

Agent: VanBrunt, Juzwik & Russo PC

Tax Map #:

986.40-3.38

Application No.:

Case # 3 on Sept. 19, 2012

Zoning Authority:

Brookhaven

Community:

Fire Island Pines

Object (Yes/No):

No

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.

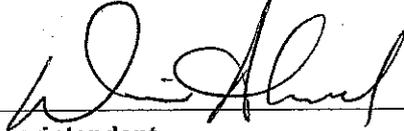
Reason for Objection:

Objection Type:

Comments:

AMENDED COMMENT: Based on the revised survey received this morning, the Seashore has no objection to 54.7% lot occupancy (excluding a single access walk) for proposed 2-story single family dwelling on a pile foundation, intended for seasonal use only, with irregular deck around the house, pool and hot tub, and wood walks, and fencing around the property. This application is to replace the existing development that, according to this updated survey provided with this application, was at 62% lot occupancy before it burned down. Per the federal standards, 36 C.F.R. Part 28.11(c)(1), "No use or structure with the Seashore built in violation of a local ordinance when constructed may be reconstructed except in compliance with the approved local zoning ordinance. If legally constructed, per Section 28.11(c)(4), "A nonconforming use in the Community Development District ... may be reconstructed to previous dimensions. It may not be altered, enlarged, intensified, extended or moved except to bring the use or structure into conformity with the approve local zoning ordinance."

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.

for 

Superintendent

9/19/2012

Date

Cc: Applicant



**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:

Review and Comments on Building/Zoning Permit Application

Applicant(s):

Owner: Vera Esposito

Agent: VanBrunt, Juzwiak & Russo PC

Tax Map #:

986.40-3.38

Application No.:

Case # 3 on Sept. 19, 2012

Zoning Authority:

Brookhaven

Community:

Fire Island Pines

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 28.11(c)(1)

Objection Type:

Reconstruction of non-conforming use

Comments:

The Seashore objects to 54.7% lot occupancy (excluding a single access walk) for proposed 2-story single family dwelling on a pile foundation, intended for seasonal use only, with irregular deck around the house, pool and hot tub, wood walks, and fencing around the property. This application is to replace the existing development that was 50% lot occupancy (according to the survey provided with this application not including walks in the calculations) before it burned down last November. The fire that destroyed this structure was caused by the fire in Fire Island Pines that destroyed the commercial properties on the opposite side of the harbor.

Per the federal standards, 36 C.F.R. Part 28.11 "(c) *Reconstruction of nonconforming uses*. If a nonconforming use or structure is severely damaged (as determined by fair professional insurance practices), destroyed or rendered a hazard, whether by fire, natural disaster, abandonment or neglect, no alteration, intensification, enlargement, reconstruction, extension, or movement is allowable without compliance with the following conditions:

- (1) No use or structure within the Seashore built in violation of a local ordinance when constructed may be reconstructed except in compliance with the approved local zoning ordinance.
- (2) Local building permit applications for reconstruction shall be filed with the appropriate zoning authority within one (1) year of the damage, destruction, or abandonment.

(3) A commercial or industrial use may not be reconstructed without the approval of the local zoning authority and review by the Superintendent.

(4) A nonconforming use in the Community Development District or in the Seashore District (i.e. "improved property") may be reconstructed to previous dimensions. It may not be altered, enlarged, intensified, extended, or moved except to bring the use or structure into conformity with the approved local zoning ordinance."

If the property destroyed was built legally when originally built and is reconstructed to its previous dimensions the reconstruction is permitted under the federal zoning standards. As currently proposed it would be larger than the previous development and is not permitted under the federal zoning standards. If it is determined the original structure destroyed by the fire was built legally and the proposed development is reduced in size to conform to the dimensions of the structure destroyed by the fire its reconstruction would be permitted under the federal zoning standards.

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

9/12/2012

Date

Cc: Applicant



Town of Brookhaven Long Island

OFFICE OF THE BOARD OF ZONING APPEALS

Paul M. DeChance, Chairman

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

FROM: BOARD OF ZONING APPEALS

RE: Vera Esposito - Southeast corner Bay Walk & Harbor Park, Fire Island
Pines

DATE: September 4, 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 **September 19, 2012**, CASE # **3**.

THE BOARD WOULD APPRECIATE YOUR COMMENTS.

Encs.

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: Vera Esposito
 c/o VanBrunt, Juzwiak & Russo, PC

Address: 140 Main Street
 Sayville, NY

Phone #: (631) 589-5000

Also Notify:

Phone #:

LOCATION OF SUBJECT PROPERTY

N E W side of Bay Walk
 Distance corner N S E W of Harbor Park

Village Fire Island Pines
 Property is zoned RD (as shown on current zoning map)

Address of property 76 Bay Walk
 S.C. TAX MAP NO. 0200-986.4-3-38

Has building permit or proposed use been denied by Building Department? Yes No

(To be stamped by Building Department) 002887

VARIANCES REQUESTED

- LOT AREA
- LOT WIDTH
- FRONT YARD SETBACK
- REAR YARD SETBACK
- SIDE YARD SETBACK
- 1st STORY SQ. FT.
- 2nd STORY SQ. FT.
- OTHER

Request: **SPECIAL PERMIT**
 Describe: FIPMS 9914
FIP Adv. Comm.
deck, decking, hot tub in front yard (Harbor Park)
first/second story decks, 3.5' decking (Harbor Park)
and ingrand pool (Baywalk),
(3570)

FEE: Poster Chain of Title SEORA
 Minor Setback Lot Area Special Permit Renewal of Special Permit Sign CEU
 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? Yes

3. Is road Town maintained? Yes

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

5. When was property acquired? July 12, 1962

6. When was area upzoned? September 1981

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? _____

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

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? n/a or Core Preservation Area? n/a

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

LIST THE STRUCTURE(S) REQUIRING VARIANCE(S); SPECIFY WHETHER EACH ITEM IS PROPOSED OR EXISTING:

Proposed Decking, Hot Tub, Decks, Pool
 and 1st and 2nd story Decks; Pool
 to high rise on deck around pool
 & fence-perimeter? Property - both front yards



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 # 002887

FI #3096

Applicant Vera Esposito c/o VanBrunt, Juzwiak & Russek 140 Main Street

Village or City Sayville State NY Zip 11782 Phone (631) 589-5000

Architect or Engineer John Bracco No. & St. 17 Main Street

Village or City Sayville State NY Zip 11782 Phone _____

Contractor or Builder _____ No. & St. _____

Village or City _____ State _____ Zip _____ Phone _____

Property located at No. 76 N.S.E.W. side Bay Walk Distance _____ corner

N.S.E.W. of Harbor Park Village Fire Island Pines State of New York

Map _____ Section _____ (lots) _____

Owner of record on tax rolls Vera Esposito Owner Address _____

County Tax Map Section 986.4 Block 3 Lot 38

Use and size of proposed work 2 story single family dwelling on pile foundation - measured was only 38'x38' long - 5 beds & 2 baths - 655'x60' long deck wrap around house, pool, hot tub, 5'x17" wood walk, 4'x25' wood walk, 10'x18 pool and 6'x6 hot tub

replace with 12378637

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

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 I 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.

Name: 5/21/12 Print Name: Vera Esposito Signature: [Signature] OWNER

hereby certify that I have examined this complete application and the statements therein are true and correct, 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 I 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.

Name: 5/21/12 Print Name: Vera Esposito Signature: [Signature] APPLICANT

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

FOR BUILDING USE ONLY: RD AE (B)

- Proposed use 1 1/2 story - Harbor Pt - decking
- Zoning District with fence - perimeter of pool - 30th front yard
- Property Area 11.3 front - Harbor Pt - decking
- Property Width 3.5 front - Harbor Pt - decking
- Front Yard Setback 11.3 front - Harbor Pt - decking
- Rear Yard Setback 3.5 front - Harbor Pt - decking
- Side Yard Setback 6.5 side yard deck - 0 front Bay Walk
- Side Yard Setback 6.5 side yard deck - 17.6 front yard - Harbor Pt
- S.C.H.D. 6 w/o hot tub
- Survey 54.7 c/o lot occupancy requested
- Plans Other 10'x13.19 pool - 5' front Bay Walk

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:	CIA

- 1. 85-170F-6' min side for proposed deck (12' req)
- 2. 85-170E-10x18 inground pool 5' front yard Bay Walk (20' req)
- 3. 85-170E-6x6 hot tub 17.6 front yard (20' req)
- 4. 85-170E-3.5 front yard for proposed 65'x60'7 deck- Harbor Park (20' req)
- 5. 85-170E-0' front yard for proposed 65'x60'7 deck (20' req)
- 6. 85-170E-11.3 front yard first and second story decks- Harbor Park 85-170E (20' req)
- 7. 85-170D-54.7% Lot Occupancy requested (35% permitted) 85-170D (1)

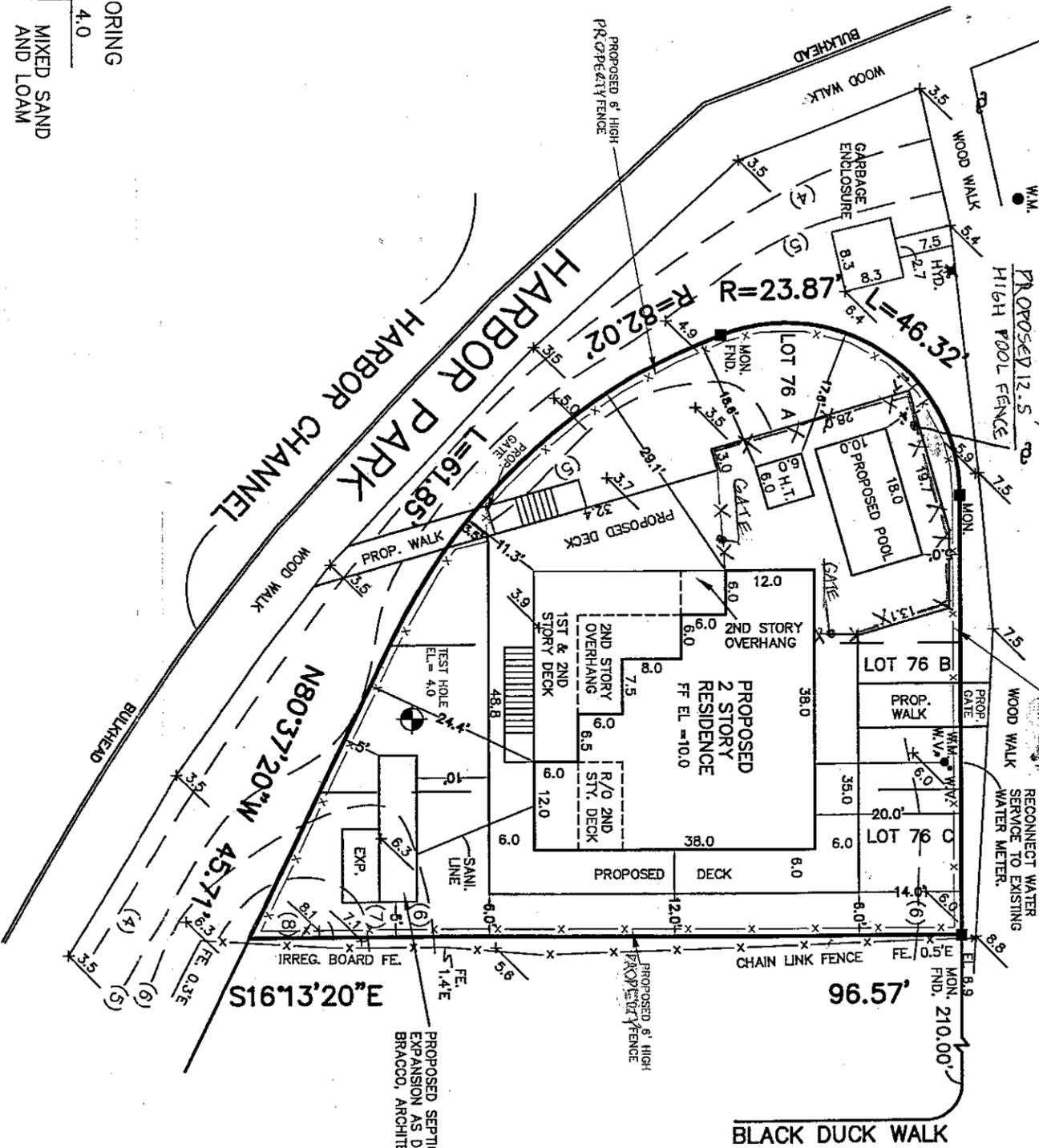
ART XVI 85-170I 6' min fence on deck making fence 12.5 ft high around pool - 48' length
85-170I - 6' fence - perimeter of property - 30th front yard

CC # _____ Remarks: _____

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

BAY WALK

N73°46'40"E 60.00'



TEST BORING
EL. 4.0

3.4' (ELEVATION 0.6)	WATER IN MIXED SAND AND LOAM
4'	WATER IN PALE BROWN FINE SAND SP
10'	

WATER ENCOUNTERED 3.4' BELOW SURFACE
8/15/2012 BY
MCDONALD GEOSCIENCE

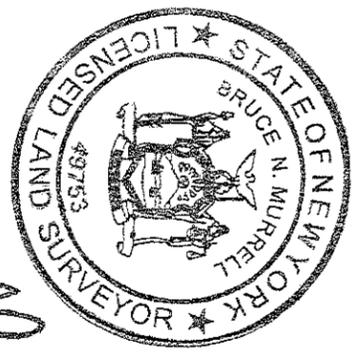
ORIGINAL LOT COVERAGE 2,969 S.F.
/ 5,977 S.F. = 50% (WALKS NOT INCLUDED)

PROPOSED LOT COVERAGE: 3,270 S.F. / 5,977 S.F. = 54.7%

PARCEL LIES IN FLOOD ZONE AE(B) PER FIRM. STRUCTURE IS LANDWARD OF LIMWA LINE. ELEVATIONS PER NAV88 DATUM.

MAP OF LOTS 76A, 76B, & 76C
ON THE MAP OF
**FIRE ISLAND PINES,
PICKETTY RUFF SECTION**
FILE NO. 1901; FILED APRIL 29, 1952

SITUATE
FIRE ISLAND PINES
TOWN OF BROOKHAVEN, SUFFOLK COUNTY N.Y.
AREA = 5,977 SQ. FT.
DATE: NOVEMBER 28, 2011 SCALE: 1"=20'
LOT COVERAGE ADDED: 2/16/2012
LIMWA NOTE ADDED: 5/23/2012
PROPOSED RESIDENCE: 6/28/2012
PROPOSED INFO: 7/26/2012
ADD. PROPOSED INFO: 8/17/2012
PROPOSED FENCE: 8/27/2012



Bruce N. Murrell

PREPARED BY
SCHNEPF & MURRELL, P.C.
LAND SURVEYORS - LAND PLANNERS
126 MAIN STREET
SAYVILLE, NEW YORK 11782
TEL. 589-1322 FAX 589-1779
WWW.SCHNEPFANDMURRELL.COM

TAX MAP DESIGNATION NUMBER
DISTRICT SECTION BLOCK LOT
200 986.4 3 38
FILE NO. 15006

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2, of the New York State Education Law.
Copies of this Survey Map not bearing the land surveyor's initial and embossed seal shall not be considered to be a valid true copy.
Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey was prepared and on the behalf to the title company, governmental agency and lending institution listed herein, and to the successors and/or assignees of the lending institution for the purpose of their mortgage to said person(s) for whom the survey was prepared. Certifications are not transferable to additional institutions or subsequent owners other than those stated.