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: Melvin Rock

Agent: Eric Russo

Tax Map #:
986.20-5.4

Application No.:
Case #21 on Oct 3, 2012

Zoning Authority:
Brookhaven

Community:
Cherry Grove

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 28.12(d)

Objection Type: Exceeds 35% maximum lot occupancy

Comments:

Per Seashore files, the applicant applied for and received permission to construct a 2-story house in 1974. In 1976, he received a permit to construct a swimming pool. Since that time, he has added a front deck, rear deck, deck around the pool with steps, bulkhead deck, second story balcony and stairs, all resulting in 70% lot occupancy. The Seashore has no record of this subsequent development, though most of it shows on a 1984 aerial photograph. The Seashore objects to this application to legalize the excessive development built without the benefit of permits.

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

8/30/2012
Date

Cc: Applicant

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: Melvin Rock, North side of Bayview Walk 170' East of Green Walk, Cherry Grove

DATE: 8/27/12

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 **October 3, 2012** CASE # **21**.

THE BOARD WOULD APPRECIATE YOUR COMMENTS.

Encs.

#21 Filed _____ 20____ Rec. No._____ Meeting Oct 3 20 12

2pm Michelle Quintrale 255 Hagerman Ave E. Patchogue, NY 11772

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: Melvin Rock

Address: 3265 Indian Walk
Mechanicsville, PA 18934

Phone #: (646) 220-6396

Also Notify: Eric J. Russo, Esq.
Van Brunt, Juzwiak & Russo, P.C.
140 Main Street
Sayville, New York 11782

Phone #: (631) 589-5000

LOCATION OF SUBJECT PROPERTY

(N) S E W side of Bayview Walk

Distance 170' N S (E) W of Green Walk

Village Cherry Grove

Property is zoned _____ (as shown on current zoning map)

Address of property 77 Bayview Walk, Cherry Grove

S.C. TAX MAP NO. 0200-986.20-05.00-004.000

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

(To be stamped by Building Department) 002863

VARIANCES REQUESTED

LOT AREA	☐	
LOT WIDTH	☐	
FRONT YARD SETBACK	☐	
REAR YARD SETBACK	☑	0' (20')
SIDE YARD SETBACK	☑ minimum	0' (8)
	☑ total	0' (20')
1st STORY SQ. FT.	☐	
2nd STORY SQ. FT.	☐	70% Lot occup. (35% Permitted)
OTHER	☑	6' fence beyond Principle Structure

Request: **SPECIAL PERMIT**

Describe: Sent SCPC ltr
" FINS ltr
" Cherry Grove ltr
8/27/12

SEC. OF BUILDING ZONE ORD. 86-1709
1200 + 400 + 400 = 2000 F

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

PENALTY: Residential ☒ 3 Commercial ☐ Sign ☐ CEU ☐

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? 1975
6. When was area upzoned? 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? 1977 Pool Granted
8. a) Is the property within one (1) mile from any nuclear power plant or airport? Yes____ No x
   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?____ or Core Preservation Area?____
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;

Rear Yd, Min + Total Side Yard. Variances for Existing reconstruction/replacement of irreg. Wood Deck w/(2) sets steps (2667 ft), Min side Yd setback for Existing 2nd sty B + Conv w/ stairs Permission to maintain 70% Lot Occupancy and 6' fence beyond Principle Structure in front Yard.

TOWN OF BROOKHAVEN BUILDING & FIRE PREVENTION

ONE INDEPENDENCE HILL, FARMINGVILLE, NY 11738
PHONE # (631) 451-6333 – www.brookhaven.org

FI #3615

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. 002863

(Type or print firmly to ensure legible copy. No carbon necessary) ZBA # _____

Applicant: Melvin Rock, c/o Eric J. Russo, Esq. — No. & St.: 140 Main Street
Village or City: Sayville — State: NY Zip: 11782 Phone: (631) 589-5000
Architect or Engineer: T. Eason Land Surveyor — No. & St.: 304 Hallock AVenue
Village or City: Port Jefferson Station — State: NY Zip: 11776 Phone: (631) 474-2200
Contractor or Builder: — No. & St.:
Village or City: — State: Zip: Phone:
Property located at No.: 77 (N.S.E.W. side) Bayview Walk — Distance: 170.0'
N.S.E.W. of: Green Walk — Village: Cherry Grove — State of New York.
Map: Desc. Property — Section: — Lot(s):
Owner of record on tax rolls: Melvin Rock — Owner Address: 3265 Indian Walk, Mechanicsville, PA 18934
County Tax Map Section: 986.20 — Block: 05.00 — Lot: 004.000

Use and size of proposed work: Ex. Front Deck 22.1'x8.5', rear Deck 40.5'x14', Deck Around Pool w/steps 50'x41' irreg. wood deck 38.6'x18.2' irreg and wood deck with bulkhead below wood, 2nd story balcony 18.5'x5.8' and stairs 11.2'x2.7'. Lot occupancy 70% existing resurfacing of 6'x61.9' irreg. side deck and (2) access ramps 3.9'x21'.

V061158

This application must be signed in two places below, by the owner and the applicant, even when 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: 5-25-12 Print Name: Melvin Rock Signature: Melvin Rock
OWNER

I 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 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: 5-25-12 Print Name: Melvin Rock Signature: Melvin Rock
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:

Proposed use
☒ Zoning District RD - AE-7
☐ Property Area
☐ Property Width
☐ Front Yard Setback w/steps (2)
☐ Rear Yard Setback Deck 0' (20')
☐ Side Yard Setback Deck 0' (8' min) 2nd flr Balc. 5' (8' min) w/stairs
☐ Side Yard Setback Deck 0' (20' tot) w/steps (2)
☐ S.C.H.D.
☐ Survey
☐ Plans 6' fence in front yard
☐ Other Lot occupancy 70% (35%)
☐ Permit approved date _____ Per: _____
☒ Permit Denied (expires in 60 days) date 8/21/12 Per: SA

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

Remarks: CO# 92604: 2 story res. 34'x39' irreg (NO Garage)
CC# 103316: ingrd Swimming Pool 15x30' w/6' fence to Code
Art XII 85-170 G - Deck w/steps (2) 0' rear (20')
Art XII 85-170 F - Deck w/steps (2) 0' (8' min) 0' (20' total) 2nd sty Balco 5'/s (8' min)
Art XI 85-170 I - 6' fence beyond pnnciple Structure (front)
Art XVI 85-170 D(1) - Lot occupancy 70% (35%)

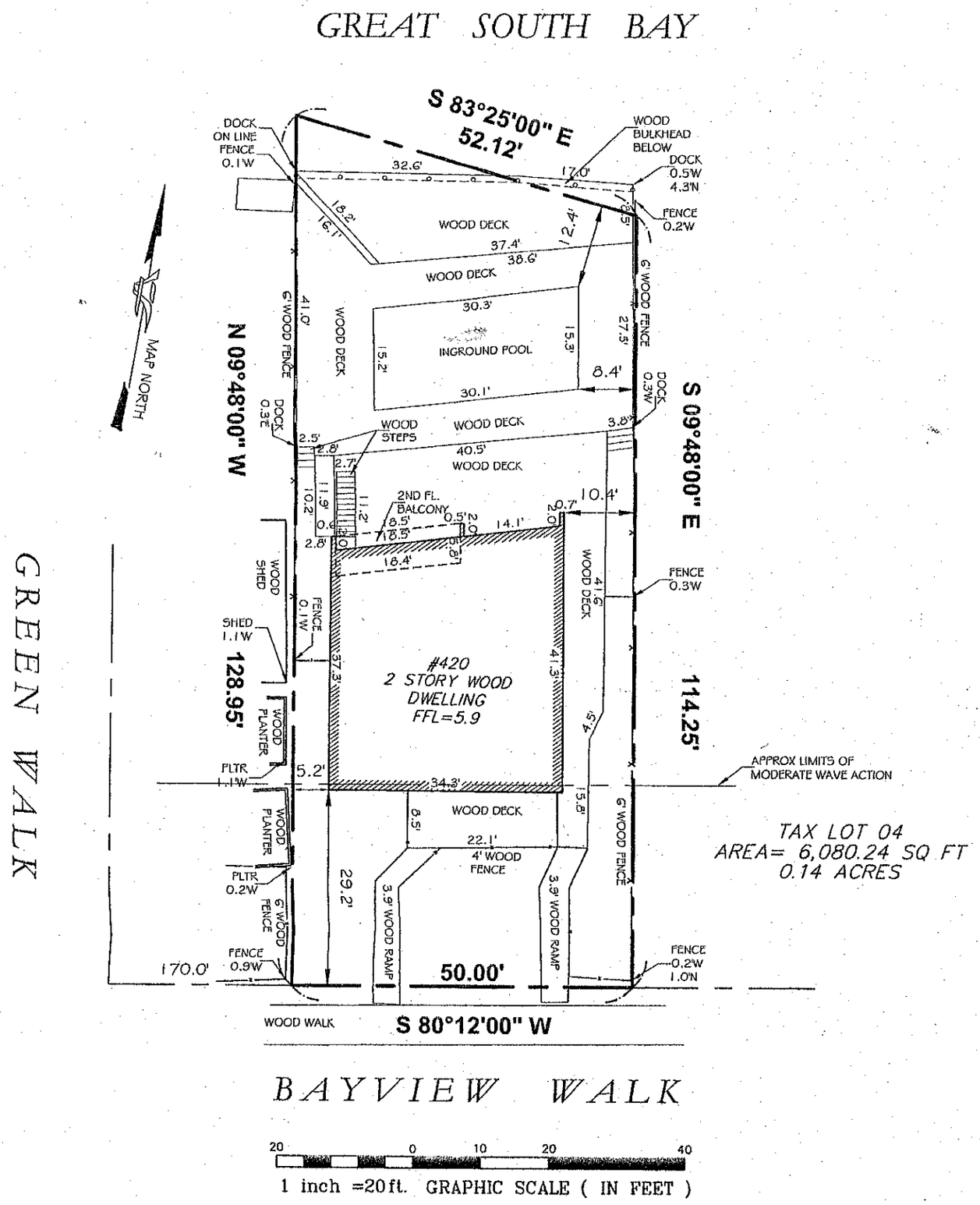
CEU Pending: see Attd Copy - side deck 6'x61.9, (2) acc. w/ks 21'x3.9', 11.9'x2.8' shed.

☐ CO #: _____ Issued: _____ ☐ Approved for issuance of certificate Per: _____
☐ CC #: _____
Remarks: no easemt reg'd N/E corner deck w/bulk (bulkhead permit 2001-1708-01)

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

9/28/09

Building Permit #



NOTE:
PARCEL IS LOCATED WITHIN FLOOD ZONE "AE" AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 36103C0912 H EFFECTIVE DATE MAY 4, 1998.
AREA DETERMINED TO BE INSIDE SPECIAL FLOOD HAZARD AREA (100 YEAR FLOODPLAIN).
LOT OCCUPANCY PERCENTAGE= 70%.

SURVEY NOTES:
1. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON/PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER/THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
2. THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH AN ABSTRACT OF TITLE MIGHT DISCLOSE.
3. OFFSETS SHOWN HEREON ARE FOR A SPECIFIC PURPOSE AND SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER STRUCTURES.
4. SUBSURFACE STRUCTURES AND/OR UTILITIES, IF ANY, NOT SHOWN.
5. HEDGE AND FENCE OFFSETS SHOWN ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

I CERTIFY THAT THIS MAP REPRESENTS AN ACCURATE AND TRUE ACCOUNT OF A SURVEY, PERFORMED IN THE FIELD UNDER MY SUPERVISION ON 7/12/2011, OF THE LAND THEREIN PARTICULARLY DESCRIBED.
THE RECORD DESCRIPTION OF THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

REVISION 2/06/12 ADDED DECK DIM.
REVISION 12/12/11 UPDATE SURVEY
SUFFOLK COUNTY DIST. 200
SEC. 986.20 BLK. 5 LOT 4

T. EASON LAND SURVEYOR
304 HALLOCK AVENUE, PORT JEFFERSON STATION, N.Y. 11776
Phone (631)474-2200 / Fax (631) 899-9085 email TEASONLS@OPTONLINE.NET

DATE: 07/12/11 | SCALE: 1"=20'
PROJECT NUMBER: TEA11-167

BOUNDARY SURVEY

SURVEY FOR:	MELVIN ROCK
MAP OF:	DESCRIBED PROPERTY
LOCATION:	CHERRY GROVE, FIRE ISLAND, NEW YORK
CERTIFIED TO:	MELVIN ROCK

TREIMANE A. EASON, L.S.
LIC. # 050452