



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: Ryan Zanin

Agent: Michelle Quatralo

Tax Map #:

986.50-4.44

Application No.:

Case # 8 on June 5, 2013

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:

Although this development takes up 18.8% of the lot, in which the applicant is requesting setback variances for existing 1st story walk and steps, shower/shed combo, and proposed relocation of 6' fence beyond principle structure in front yard, the Seashore maintains its objection to this development, which was constructed on flat beachface in 1997. Attached is our September 16, 1997 letter fully describing that objection.

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

5/7/2013

Date

Cc: Applicant



United States Department of the Interior

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

IN REPLY REFER TO:

file 986-50-4.44a

September 16, 1997

Andrew Dark
Department of Planning
Town of Brookhaven

RE: Applicant: Theisen
s/s Ocean Walk, 280' w/o Fishermans Path
Fire Island Pines
Tax Map # 986.50-4.44

We have reviewed the above referenced permit application, Number 2557, for the following proposed work:

Pilings and associated house and accessory structures.

Our findings are as follows:

XXX Objection

 No objection

Remarks:

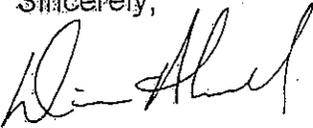
Although this application is for pilings only, it is quite apparent (as indicated on the attached survey) that the applicant's intent is to construct a proposed residence with its associated decks and swimming pool. However, virtually the entire lot is located on the beachface. As with every other similar application for a building permit, the Seashore maintains its objection to the construction of any structure located on the beachface. By definition this property cannot be considered a lot. According to the Federal Zoning Standards for Fire Island National Seashore (36 C.F.R. Part 28), the definition of a lot is "a parcel of land which meets the minimum acreage and frontage requirements of the zoning authority . . . but in no case does a lot include lands below the toe of the natural foredune line".

Although a beach renourishment project, funded by the local erosion control taxing district and bonded by the Town of Brookhaven, is expected to be undertaken during the summer of 1997, the resulting fill cannot qualify as a buildable lot, as defined above, and should not be used as upland for the construction of homes. According to our consulting coastal geomorphologist with the U.S. Geological Survey, a renourished berm at this location, and

the property on which it sits, is not beyond the realm of storm wave run-up. Historic precedent has demonstrated the changeable and unstable nature of the entire oceanfront along this area. Additionally, construction upon the berm could effectively eliminate the possibility of natural or artificial growth of the berm into a dune structure at this location, and may hinder the protective nature of the berm for the community is intended to protect.

If built as proposed, this property will not be eligible for a Certificate of Suspension from Federal Condemnation, and thereby subject to the condemnation authority of the Secretary of the Interior.

Sincerely,



for Constantine J. Dillon
Superintendent