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: Brett Roberts

Agent: Richard Scheyer

Tax Map #:
493-3.69

Application No.:
Receipt # 40738

Zoning Authority:
Islip

Community:
Fair Harbor

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:

Although the only variances requested are to maintain existing setbacks, the variances are in conjunction with raising the house to FEMA standards and, in the process, attach an existing guest house to create a single family year round dwelling. If the guest house is added to the existing house and the base flood elevation for this property is at 8', thereby requiring a finished floor (F.F.) of upwards of 10 feet, we do not understand how the applicant can not be requesting, or at least providing the calculatons that determine that the FAR can remain at 26.5%, particularly when factoring the adjoining elevated decking around the house will also be raised, likely above 5 feet to be consistent with the house. Additionally, the existing lot occupancy, and possibly the new FAR, is at 56.7%, exceeding the maximum allowed of 35% lot occupancy. Per 36 CFR Part 28.11(b)(1), "No nonconforming development or use may be altered, instensified, enlarged, extended, or moved except to bring the use or structure into conformity with the approved local zoning ordinance." Since the town recently changed its zoning code to eliminate their lot occupancy requirement, this provision of the local ordinance is no longer in conformance with the federal standards, thereby rendering this application, if approved, and if not constructed legally at the time of constructed, to be subject to the condemnation authority of the Secretary of the Interior.

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.

Karl C Soller

Superintendent

7/17/2013

Date

Cc: Applicant