



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: Robert Roussey

Agent: Edward Molter

Tax Map #:

986.30-4.21

Application No.:

Case #24 on July 24, 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 28.12(d)

Objection Type: Exceeds 35% maximum lot occupancy

Comments:

According to our review of the application and survey provided, we find two distinct inconsistencies. First, the lot occupancy calculation is incorrect: 2,545 sf / 6836 sf = 37.2% lot occupancy, rather than the 25.8% indicated on the survey. Second, this property holds two houses, which appear to be separate single family houses for which we have no documentation in our files which legalize two residences on a single property. If so, this property is a nonconforming development even before the lot occupancy is calculated. Per 36 CFR Part 28.11(b)(1), "No nonconforming development or use may be altered, intensified, enlarged, extended, or moved except to bring the use or structure into conformity with the approved local zoning ordinance." The addition of the hot tub and platform is therefore inconsistent with this provision of the code, and appears to have been built illegally, for which the applicant is now seeking a Certificate of Occupancy. We, therefore, recommend denial of the setback variance requested unless these issues are resolved.

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.

Paul C. Soller

Superintendent

7/17/2013

Date

Cc: Applicant