



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: Edward & Carla Bianchi

Tax Map #:

986.70-1.15

Application No.:

Case #1 on September 4, 2013

Zoning Authority:

Brookhaven

Community:

Seashore District

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 28.10(b)(2)

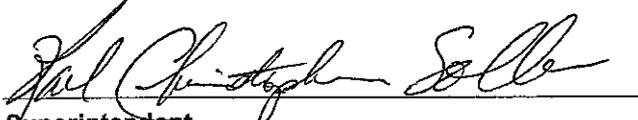
Objection Type:

New development in Seashore District

Comments:

This property is located in the Seashore District, west of the community of Water Island. The Seashore records on this property show a long history of development, relocations, fire, and now the applicant is seeking setback variances for construction that was apparently done without permit. In 1993 the National Seashore issued Mr. Bianchi a Certificate of Suspension from Federal Condemnation for this property which in 1993 had lot development at 1,282 s.f., exclusive of any decks or walks. In an application made to the Board in February 2012 for a swimming pool, the Seashore objected to the development, at 5,022 s.f. (maximum allowed under the Federal Zoning Standards for Seashore District properties is 2,625 s.f.) and recommended that the variances not be approved. Based on our calculations from the survey provided with this application, the development, including the existing structures and all decking, is now at approximately 5,864 s.f. The Seashore objects to the continuing development of this property due to its location in the Seashore District. We also object to its continuing development without building permits and as the property owner and neighbor on either side of this property, the granting of variances for setbacks as this applicant has adequate land to develop within the Town Code regarding setback limitations. This request for setback variances is for a self-created hardship.

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

9/3/2013

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:

SCTM 986.70-1.15

September 3, 2013

Edward and Carla Bianchi

RE: Brookhaven Board of Zoning Appeals – Case # 1 on September 4, 2013
Fire Island property SCTM #986.70-1.15
Seashore District, west of Water Island

Dear Mr. and Mrs. Bianchi:

We have reviewed the above referenced Board of Zoning Appeals (BZA) application. In this application, to be heard before the BZA on September 4, you have requested setback variances for existing development. As you can see from the letter we submitted to the BZA (enclosed), we are objecting to this development, as it appears that the work was not completed with the benefit of a building permit from the Town of Brookhaven. Additionally, according to our calculations of the survey you provided with the application, it appears to us that not all the decking, walks or other lot developments were calculated (for which we noted that the actual lot coverage is closer to 5,864 square feet). We therefore recommended to the town that the setback variances not be granted, as granting such would ultimately serve to condone both overdevelopment of properties on Fire Island and undertaking and completing work without building permits.

This letter is also to notify you that the Certificate of Suspension of Authority for Acquisition by Condemnation (Certificate) that you received for your property, signed on October 25, 1993, is hereby revoked due to the ongoing and excessive development that has occurred on this property since that Certificate was issued. This is reinforced by our calculations of the current development on your property being approximately 5,864 square feet.

As you are aware, your property is located outside of the exempted community of Water Island, and is therefore subject to more stringent federal zoning requirements than if it was located within an exempted community. When you applied for permission to construct a swimming pool at your property in February 2012, the Seashore sent a form letter and longer supplemental letter to the BZA, dated April 13, 2012 objecting to that proposed development. You were copied on that correspondence, enclosed herein for your reference. In our objection to that application, we noted that this was new development in the Seashore District that was not allowed under the Federal Zoning Standards. Additionally, the supplemental letter made reference to the

inconsistent development that has occurred on your property, wherein the existing 5,022 square feet of development (clearly in excess of the maximum of 2,625 square feet allowed on Seashore District properties) was reason for the termination of your exemption from condemnation afforded to you under the provisions of your Certificate.

Unfortunately your decision, since the Certificate was issued in 1993, to continue to develop your property beyond what is allowed under the Federal Zoning Standards for Seashore District properties leaves us no choice to revoke your Certificate. As a result your property is no longer exempt from the Secretary of the Interior's authority to acquire property within Fire Island National Seashore through condemnation. In order for the National Seashore to reissue a Certificate for your property would require the removal of approximately 3,200 square feet of development. If you have questions regarding this matter do not hesitate to contact Diane Abell, Park Planner and Landscape Architect for the National Seashore at 631-687-4770.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Christopher Soller".

K. Christopher Soller
Superintendent

Enclosures (3)

cc: Brookhaven BZA



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: Edward & Carla Bianchi

Tax Map #:

986.70-1.15

Application No.:

#16 on April 18, 2012

Zoning Authority:

Brookhaven

Community:

Water Island

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 28.10(b)(2)

Objection Type: New development in Seashore District

Comments:

Property is located in the Seashore District of Fire Island National Seashore, rather than within the boundary of the exempted community of Water Island. See attached supplemental letter.

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

4/13/2012

Date

Cc: Applicant



United States Department of the Interior

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

IN REPLY REFER TO:

(L1415) FIIS
xSCTM 986.70-1.15

April 13, 2012

Paul M. DeChance, Chairman
Board of Zoning Appeals
Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

**RE: Edward & Carla Bianchi SCTM# 986.70-1.15 W/O Water Island, Fire Island
Case #16 on April 18, 2012**

Dear Mr. DeChance:

As you can see from the form letter with our comments regarding this application, this property is technically not located within the boundary of the exempted community of Water Island. Therefore, the zoning standards that govern this property are different than those which govern developments within the communities, resulting in our objection to this proposed development. These standards, found in 36 CFR Part 28, Federal Zoning Standards for Fire Island National Seashore, are as follows:

§ 28.3(b) *The Community Development District.* (1) The seventeen communities which comprise the Community Development District are set out below with their respective west/east boundaries.

§ 28.3(b)(xvi) *Water Island,* the community's west boundary is defined as the west line of Charach Walk. This property is located 75 feet west of the west boundary of Charach Walk, as shown on the survey provided with this application, and thereby placing it within the Seashore Development District of Fire Island National Seashore.

§ 28.3(c) *The Seashore District.* The Seashore District is comprised of all portions of the lands and waters within the boundary of the Seashore which are not included in the Community Development District with the exception of the headquarters facilities at Patchogue and the William Floyd Estate at Mastic.

§ 28.12(e) Lot occupancy of all privately-held improved property in the Seashore District is limited to 35 percent of the square footage of a lot that is less than 7,500 square feet, and to 2,625 square feet for a lot 7,500 square feet or greater.

By instrument dated October 25, 1993, Mr. Bianchi applied for and was approved to receive a Certificate of Suspension of Authority for Acquisition by Condemnation by the National Park Service. On the application to receive this certificate, the development was stated to be 1,282 s.f. A copy of

that survey was presented to the town in 1993 to request a building permit to relocate the existing structures northward in response to the storms of the early 1990s that caused a significant amount of erosion along the oceanfront in this area of Fire Island. By letter dated October 12, 1993, then Superintendent Jack Hauptman had no objection to that proposed relocation. A copy of that letter and its accompanying survey are included herein. Since that time, development has expanded on the property to what is now shown on the survey submitted with this application, dated 11/10/05, to be 5,022 s.f., clearly in excess of the maximum of 2,620 s.f. allowed on Seashore District properties.

The certificate issued to Mr. Bianchi, which is intended to "run with the land", "*if 1) such property is, after the date of the enactment of the Fire Island National Seashore Amendments Act of 1984, made the subject of a variance under, or become an exception to, any applicable zoning ordinance approved under 16 U.S.C § 459e-2; and 2) such a variance or exception results, or will result, in such property being used in a manner that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to section 16 U.S.C § 459e-2 and in effect at the time such variance or exception took effect*", the suspension recognized by this certificate will be terminated.

This property exceeds the development standards set forth in 36 CFR Part 18 for private parcels in Seashore District lands. Consequently, the Seashore objects to the issuance of a variance for the construction of a swimming pool.

Thank you for your consideration on the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Soller", written in a cursive style.

K. Christopher Soller
Superintendent

Enclosures