TOWN OF EAST HAMPTON
300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
JoAnne Pahwul
Director

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SUBDIVISION INITIAL EVALUATION
CMP SJ – Lot Line Modification
SCTM#300-176-8-22 & 23

Prepared by: Eric Schantz
Senior Planner E.S.

Date: January 30, 2020

1. APPLICATION INFORMATION:

A. **INFORMATION RECEIVED:** 11/12/19 Applicant submission, cover letter re: Ten (10)copies of Application, Covenants & Restriction & Easement, Ten (10) copies of Saskas Surveying Company Map of CMP SJ, dated May 20, 2019, Ten (10) copies of Saskas Surveying Company Map of Existing Conditions of CMP SJ, dated May 20, 2019
B. **DATE SUBMITTED:** November 15, 2019
C. **OWNER:** Otis CMS Real Estate Holdings, LLC
D. **APPLICANT/AGENT:** Britton Bistrian
E. **SCHOOL DISTRICT:** Amagansett
F. **STREET NAME:** 183 & 189 Marine Boulevard
G. **TYPE OF STREET:** Town
H. **ZONING DISTRICT:** B: Residence, Coastal Erosion Overlay District (Zone 1), Flood Hazard Overlay District
I. **SEQRA - TYPE OF ACTION:** Type II
J. **INVOLVED AGENCIES:** N/A
K. **OTHER REVIEW:** Suffolk County Department of Health Services (SCDHS)
L. **WAS PROPERTY PREVIOUSLY SUBDIVIDED:** Yes
M. **IF YES, DATE OF SUBDIVISION:** May 20, 1939

2. DESCRIPTION OF PROJECT

A. **TYPE OF SUBDIVISION PROPOSED:** Lot Line Modification
B. **TOTAL ACREAGE:** 1.7
C. **YIELD (NUMBER OF LOTS):** 3
D. **RANGE OF LOT SIZE (SQUARE FEET):** 28,441 sq. ft. and 29,225 sq. ft.
E. **ACRES OF RESERVED AREA:** N/A

F. **ACRES OF SCENIC EASEMENT:** See issues for discussion
G. **PERCENT OF RESERVED AREA:** N/A
H. **PERCENT OF TOTAL OPEN SPACE:** See issues for discussion
I. **TYPE OF ACCESS PROVIDED:** Single driveway
J. **LENGTH OF ACCESS:** N/A
K. **IS SIGHT DISTANCE ACCEPTABLE:** No change
L. **IMPROVEMENTS ON SUBJECT PARCEL:**
   a. Lot 1 (SCTM#300-176-8-23): 4,000 sq. ft. one-story single-family residence with 493 sq. ft. garage, 1,202 sq. ft. storage area under 291 sq. ft. patio and fireplace, swimming pool, hot tub and decking. Also, a 1,309 sq. ft. two-bedroom cottage
   b. Lot 2 (SCTM#300-176-8-22): 3,283 sq. ft. two-story single-family residence with 230 sq. ft. storage area, 465 sq. ft. attached garage, along with wood decking, a swimming pool and a 155' long wooden walkway to the beach.

M. **MOST RECENT CERTIFICATE OF OCCUPANCY:**
   a. Lot 1 (SCTM#300-176-8-23): 6/22/16 -C.O 31483 (4298, 47387, 62729) - DAVID ASH ET ALS - ONE-STORY, FRAME, SINGLE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, CONTAINING A TOTAL OF (5) FIVE BEDROOMS ONLY WITH ATTACHED GARAGE AND SLATE PATIO; ONE STORY FRAME RESIDENCE HAVING ONE KITCHEN ONLY CONTAINING A TOTAL OF (3) THREE BEDROOMS ONLY WITH ATTACHED GARAGE AND ALL ERECTED PRIOR TO ZONING; WITH 300 SQ. FT. WOOD DECK.
   b. Lot 2 (SCTM#300-176-8-22): 1/31/14-C.O.29132(52915,54208) - EUGENIA & ALAN SACKS - 1697 SQ. FT. FIRST FLOOR, 1586 SQ. FT. SECOND FLOOR, FRAME, TWO-STORY, ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 230 SQ. FT. UNFINISHED STORAGE AREA, 465 SQ. FT. ATTACHED GARAGE, 40 SQ. FT. ENTRY, 719 SQ. FT. SECOND STORY WOOD DECK, 100 SQ. FT. COVERED EQUIPMENT, 168 SQ. FT. SWIMMING POOL WITH PROPER FENCING, DRY WELL, 32 SQ. FT. SPA AND 155' LINEAR WOOD WALKWAY TO BEACH.

N. **VARIANCES REQUIRED:** See issues for discussion

3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 220 (LIST ITEMS & SECTION NUMBER FOR ITEMS NOT SUBMITTED)

See issues for discussion

4. SITE ANALYSIS

A. **SOIL TYPE:** Du: Dunes
B. **FLOOD HAZARD ZONE:** VE el. 17, 18, 19 & 23

C. **DESCRIPTION OF VEGETATION:** Mixture of native duneland grasses, mostly beach grass (*Ammophila breviligulata*) and invasive Japanese black pine (*Pinus thunbergii*). Lot 1 being re-vegetated with beach grass
D. **RANGE OF ELEVATIONS:** ~ 8' – 26' AMSL
E. **NATURE OF SLOPES:** Gradually sloping along northern portion but contains a dune running roughly through the middle of both properties
F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Tidal
G. **SETBACK FROM ANY WETLAND OR WATER BODY:** N/A. (all structures ~300' away)
H. **ARE THERE TRAILS ON SITE?** No
I. **DEPTH TO WATER TABLE:** 4.2' as per test hole
J. **DISTANCE TO PUBLIC WATER:** at Marine Boulevard
K. **SOURCE OF WATER SUPPLY:** Public
L. **NUMBER OF ACCESS POINTS:** 2
M. **METHOD OF WASTE DISPOSAL:** Individual sanitary systems
N. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified. However, the properties lie within an area designated as archaeologically sensitive by New York State
O. **AGRICULTRAL DATA STATEMENT REQUIRED:** No
P. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	CEOD, FHOD

Other Background Information:
Application is made to reconfigure the lot line of two parcels by transferring 10,692 sq. ft. of lot area from Lot 1 (SCTM#300-176-8-23) to Lot 2 (SCTM#300-176-8-22). This would allow for an existing 1,309 sq. ft. two bedroom cottage currently on Lot 1 to be situated on Lot 2. No physical changes to either site are proposed.

The parcels are situated in Amagansett off of Marine Boulevard and are zoned B: Residence and are within the Coastal Erosion Overlay District (Zone 1) and Flood Hazard Overlay District. They are currently both improved with two-story single-family residences as well as associated accessory structures. The properties are situated on the Atlantic Ocean and are roughly bisected by a primary dune and are entirely seaward of the Coastal Erosion Hazard line. They contain beach vegetation mostly throughout.

Issues for Discussion:

Dimensional Regulations
The proposal appears to meet all required dimensional regulations including; minimum lot area, minimum lot width and minimum yard setbacks, with the following exceptions:

Coverage & Clearing:
Based up the existing and permitted figures provided on the map, it does not appear that either lot would exceed maximum allowable building or total lot coverage or clearing under the proposed lot line modification. However, figures for the lots should the lot line modification be approved (proposed) have not been provided and should be added to the map to verify this.

Additionally, with regard to changes in allowable coverages, the Board should note that the proposed lot line modification would increase the size of Lot 2 resulting in a larger allowable building coverage (accounting for the addition of the cottage) and total lot coverage. These numbers would increase by 846 sq. ft. and 3,957 sq. ft., respectively.

Gross Floor Area:
Neither the existing nor proposed gross floor area for each lot has been provided on the maps. Due to the large size of the buildings on these relatively small lots, this information should be provided to insure compliance.

The Zoning Board of Appeals approval and the building permit for the residence on Lot 1 indicate a 4,000 sq. ft. single-family residence with other additions. Under the proposed lot line modification, maximum allowable gross floor area on Lot 1 would be 3,844 sq. ft. whereas the currently allowable maximum gross floor area is 4,913 sq. ft. Provided that the single-family residence on Lot 1 is not significantly larger than 4,000 sq. ft., it appears that a slight re-adjustment of the proposed lot divide would obviate the need for a variance.

Easements & Restrictions
Lot 1 was recently the subject of an application for a Natural Resources Special Permit (NRSP) and variances before the Zoning Board of Appeals in order to demolish an existing residence and build a new residence located more landward of the dune crest.

This application required a 50' wide scenic easement on the landward side of the dune crest, as can be seen on the submitted maps. It also required covenants and restrictions which prohibit the establishment of turf, lawn, sod or ornamental vegetation. Under the proposed lot line modification, a 65' wide portion of Lot 2 would be subject to these restrictions, but the remainder would not, as per the submitted survey.

The Zoning Board of Appeal's resolution of approval for the application of Eugenia Sacks (Lot 2 aka SCTM#300-176-8-22) dated April 18, 2006 required nearly identical conditions, including but not limited to; establishment of a 50' wide scenic easement and covenants and restrictions prohibiting the establishment of turf, lawn, sod or ornamental

vegetation. The Building Department record card indicates that a draft of the covenants was reviewed by the Town Attorney's Office and found acceptable and instructed that this document be filed with the Suffolk County Clerk before the issuance of a certificate of occupancy. The Town Board passed a resolution to adopt the scenic easement.

It appears based upon Town Assessor's deed records that these documents were never filed. The certificate of occupancy on this lot appears to have been issued in error. It is recommended that the Zoning Board of Appeals' conditions of that approval be enforced at this time.

Sanitary System
The sanitary systems for the cottage and single-family residence on Lot 1 are both modern low-nitrogen systems. The residence on Lot 2 contains a septic tank and leaching pool (conventional) system installed in 2009. The subject application does not trigger a mandatory upgrade of the sanitary system on Lot 2. However, the applicants are urged to consider a voluntary upgrade and there are rebates available from both the Town and Suffolk County for such projects.

Ownership
The application form appears to be signed by the agent of only one of the lot owners. Although the Board may wish to discuss with Counsel, it would seem that the owner of Lot 2, Sands Capital Holdings, LLC, also needs to authorize the application.

Minor Map Revisions
Zoning, school and fire districts should be added to the map.

Conclusion
In conclusion, the application is incomplete pending the resolution of the aforementioned issues and the submission of the required items.

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Planning Board Consensus

Should the requested changes to the map, including; proposed coverage and clearing calculations, gross floor area calculations, zoning, school and fire district be added to the map?

Additional comments: _____

_____

Should the scenic easement and covenants and restrictions be extended over the remaining portion of proposed Lot 2?

Additional comments: _____

_____

Additional Board Comments:

BUILDING DEPARTMENT
TOWN OF EAST HAMPTON
300 Pantigo Place - Suite 104
East Hampton, New York 11937

General Building Permit Information on Property

Tax Map Number : *472489 176.000-0008-022.000 0000*
Location : *183 MARINE BLVD*
Zone : B **Hamlet :** *Amagansett* **URP :**
Map : 1283 **Block :** **Lot :** *13-17*

Permit Information:

3/15/91 - TOWN CODE AMENDED TO PERMIT LOTS IN EXISTENCE PRIOR TO 12/18/84 TO MAINTAIN 100' MINIMUM LOT WIDTH AT THE BUILDING LINE RATHER THAN 110'.

5/2/97 - WETLANDS- BARTON INDUSTRIES, INC.- RESIDENCE- COMPLETED (NEEDS NRSP).

4/22/97 - LTR. TO OSBORNE (BARTON INDUSTRIES, INC., OWNER) IN BLDG. INSP. FILE - RE: ELIG. FOR BLDG. PERMIT.

5/28/02- LTR T0 SHANHOLT (DUNEBEAR RESEARCH GROUP, OWNERS) IN BLDG INSP FILE RE: ELIG FOR B.P.

11/10/04 - D.E.C. PERMIT - SACKS - APPROVED.

4/16/06-ZBA - EUGENIA SACKS - NRSP & VARIANCES RESIDENCE, POOL/HOT TUB, BRICK LANDING, COVERED PORCH, WOOD DECKING & WALKWAY TO BEACH - APPROVED & AMENDED: 12/10/08.

8/13/04 - LTR. TO WHALEN (EUGENIA SACKS, OWNER) IN BLDG. INSP. FILE - RE: INTERPRETATION BARRIER DUNE.

ZBA - EUGENIA SACKS - VARIANCE/APPEAL DETERMINATION OF BLDG. INSP. RE: SECT. 255-1-20 DEFINITIONS OF DUNE, BARRIER DUNE & DUNE CREST - PENDING.

1/17/08 - COPY OF LTR. FR. TN. ATTY. GLEDHILL TO MACLACHLAN & EAGAN, LLP W. B.P. 52915 - RE: DECLARATION OF COVENANTS & RESTRICTIONS, PER 4/18/06 ZBA DECISION, REVIEWED & APPROVED BY TN. ATTYS. OFFICE. MUST BE RECORDED IN SUFF. CO. CLERK'S OFFICE PRIOR TO ISSUANCE OF BLDG. PERMIT.

1/18/02 - COPY OF LTR. FR. TN. ATTY. GLEDHILL TO MACLACHLAN & EAGAN, LLP W. B.P. 52915 - RE: SC. & CONSERVATION EASEMENT, PER 4/18/06 ZBA DECISION, REVIEWED & SCHEDULED FOR PUBLIC HEARING W. TN. BD. ON 2/1/08. MUST BE RECORDED IN SUFF. CO. CLERK'S OFFICE PRIOR TO ISSUANCE OF C.O.

2/1/08 - RESOLUTION #2008-182 ADOPTED BY TN. BD. ACCEPTING SC. & CONSERVATION EASEMENT. (W. B.P. 52915).

Tax Map Number :	*472489 176.000-0008-022.000 0000*		
Location :	*183 MARINE BLVD*		
Zone : B	**Hamlet :** *Amagansett*	**URP :**	
Map : 1283	**Block :**	**Lot :** *13-17*	

3/11/08 - B.P 52915 - EUGENIA SACKS - BUILD 1697 SQ. FT. FIRST FLOOR, 1586 SQ. FT. SECOND FLOOR ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 230 SQ. FT. UNFINISHED STORAGE AREA, 465 SQ. FT. ATTACHED GARAGE, 40 SQ. FT. ENTRY, 100 SQ. FT. COVERED EQUIPMENT, 168 SQ. FT. SWIMMING POOL WITH PROPER FENCING AND DRY WELL, 32 SQ. FT. SPA, 576 SQ. FT. SECOND FLOOR WOOD DECK, 155 ' LINEAR WOOD WALKWAY TO BEACH, SUBJECT TO Z.B.A DECISION DATED 4/19/06, 1/16/08, D.E.C PERMIT 11/10/04. PROJECT FENCE MUST BE INSTALLED PRIOR TO START OF CONSTRUCTION. (B.O.H #R03-02-0214) (INSPECTION DAY THURSDAY) (CO FEE PAID).

2/26/08 - B.P 52915 - EUGENIA SACKS - RENEWAL - EXP 03/11/10.

5/28/09 - B.P 54208 - EUGENIA SACKS - BUILD 143 SQ. FT. ADDITIONS SECOND STORY WOOD DECK, SOLAR POOL COVER SUBJECT TO Z.B.A DECISION DATED 12/10/08. (PART OF BP 52915) (INSPECTION DAY THURSDAY).

8/12/09-C.O.25641(52915,54208) - EUGENIA SACKS - 1697 SQ. FT. FIRST FLOOR, 1586 SQ. FT. SECOND FLOOR, FRAME, TWO-STORY, ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 230 SQ. FT. UNFINISHED STORAGE AREA, 465 SQ. FT. ATTACHED GARAGE, 40 SQ. FT. ENTRY, 719 SQ. FT. SECOND STORY WOOD DECK, 100 SQ. FT. COVERED EQUIPMENT, 168 SQ. FT. SWIMMING POOL WITH PROPER FENCING, DRY WELL, 32 SQ. FT. SPA AND 155' LINEAR WOOD WALKWAY TO BEACH.

11/18/09-MEMO TO DIANE MCNALLY, TN. TRUSTEE CLERK FILE IN BLDG. INSP. FILE, IN RESPONSE TO HER MEMO, DATED: 10/28/09, RE: WALKWAY & STAIRS DO NOT APPEAR TO BE ENCOROACHING ON TN. TRUSTEE PROPERTY PER SURVEY DATED: 8/6/09.

1/31/14-C.O.29132(52915,54208) - EUGENIA & ALAN SACKS - 1697 SQ. FT. FIRST FLOOR, 1586 SQ. FT. SECOND FLOOR, FRAME, TWO-STORY, ONE FAMILY RESIDENCE HAVING ONE KITCHEN ONLY, 230 SQ. FT. UNFINISHED STORAGE AREA, 465 SQ. FT. ATTACHED GARAGE, 40 SQ. FT. ENTRY, 719 SQ. FT. SECOND STORY WOOD DECK, 100 SQ. FT. COVERED EQUIPMENT, 168 SQ. FT. SWIMMING POOL WITH PROPER FENCING, DRY WELL, 32 SQ. FT. SPA AND 155' LINEAR WOOD WALKWAY TO BEACH.

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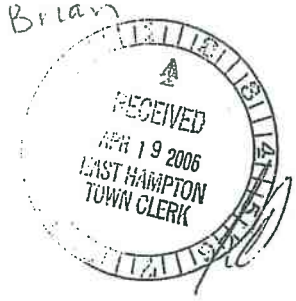


ZONING BOARD OF APPEALS
TOWN OF EAST HAMPTON

In the Matter of the Application

of

EUGENIA SACKS

SCTM #300-176-08-22

DETERMINATION

FILED
APR 20 2006
EAST HAMPTON TOWN
PLANNING DEPT

HEARING DATE: February 7, 2006

PRESENT: PHILIP GAMBLE, Chair
LEE D. WHITE
TERRY GANLEY
T. J. CALABRESE
CATHY O'BRAOIN

ALSO PRESENT: ELIZABETH BALDWIN, Esq., Counsel to the Board
DENISE A. SAVARESE, Stenographer
BRIAN FRANK, Planner
JOHN MACLACHLAN, Agent for Applicant
RONA and ALAN KLOPMAN, neighbors

FINDINGS OF FACT AND DETERMINATION OF THE BOARD

The findings of fact and determination made herein are based upon the application, the evidence received at the public hearing before the Board, all documents contained in the Board's files and which were received prior to the close of the hearing, and the inspection and field report made by Chairman Gamble of this Board.

A. PROJECT DESCRIPTION

1. PURPOSE OF APPLICATION:
To construct an approximately 4, 087 sq. ft residence (3,055 sq. ft. without garage) two-story residence with 2,500 sq. ft. footprint (2,372 sq. ft. footprint without garage), sanitary system, decking and covered porches, a swimming pool, hot tub and 155' walkway to the beach on a parcel of land containing primary dunes and beach vegetation.

2. RELIEF OR APPROVAL SOUGHT:
A Natural Resources Special Permit (NRSP) pursuant to § 255-4-20 of the Town Code. All structures except the walkway to the beach have been proposed at least 100' from the dune crest.

B. PROPERTY SIZE & LOCATION

1. LOT SIZE: 26,145 sq. ft.
2. STREET LOCATION: 183 Marine Boulevard
3. CONTIGUOUS WATER BODIES: Atlantic Ocean
4. HAMLET OR GEOGRAPHIC AREA: Amagansett
5. FILED MAP NAME: Beach Hampton
6. FILED MAP NUMBER: 1283
7. DATE OF MAP FILING: May 20, 1939
8. BLOCK NUMBER IN FILED MAP: N/A
9. LOT NUMBER IN FILED MAP: 13,14,15,16 & 17
10. 0. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-176-08-22

C. ZONING INFORMATION

1. ZONING DISTRICT: B Residence
2. ZONING OVERLAY DISTRICT: Flood Hazard Overlay District

D. SEQRA DETERMINATION

1. SEQRA CLASSIFICATION: Type II
2. LEAD AGENCY: n/a
3. DETERMINATION OF SIGNIFICANCE: n/a
4. DATE OF DETERMINATION: n/a

E. STANDARDS FOR BOARD REVIEW

In order to be eligible for issuance of the requested Natural Resources Special Permit, applicant must show that the proposed action is compatible with the purposes of §§ 255-1-11 and 255-4-10 of the Town Code and satisfies the criteria set forth in §§ 255-5-40 and 255-5-50 (Natural Resources Special Permit) of the Town Code.

F. ADDITIONAL FINDINGS AND CONCLUSIONS

1. The parcel is presently vacant and is vegetated with a variety of beach vegetation as defined by the Town Code. The square footage in the project description includes the attached garage and ground floor storage area. The proposed improvements are depicted on the Joseph A. Ingegno survey dated revised December 5, 2006. The corresponding floor and elevation plans were prepared by Michael Behringer, Architect (5 pages) dated December 16, 2005 and were stamped received by the Board on January 6, 2006. Virtually all of the parcel, and proposed improvements, are located seaward of the State designated Coastal Erosion Hazard Area (CEHA) boundary and a CEHA permit from the New York State Department of Environmental Conservation was issued in November 2004 and is contained in the Board's file.

2. A prior application was submitted by applicant to construct an approximately 4,461 sq. ft. two-story residence with a 2,471 sq. ft. footprint, sanitary system, 1,903 sq. ft. of decking & covered porches, swimming pool, hot tub and walkway to the beach and was subject to a Zoning Board public hearing on February 1, 2005. The application required three (3) 15' dune crest setback variances for the residence, decking and swimming pool. The application also included an appeal of the Chief Building Inspector's determination regarding the located of the primary dune crest. The Zoning Board denied the application and the determination of the Chief Building Inspector was upheld in a decision filed April 27, 2005. An Article 78 proceeding seeking to overturn the Board's decision has been filed and remains pending.

3. In the Board's April 27, 2005 determination, the Board found that the scale of the proposed improvements were massive and substantially in excess of the environmental constraints of the parcel. The Board found that there were many alternative designs available to the applicant that would not require any variances. The Board also denied the Natural Resources Special Permit based on the aforementioned reasoning.

4. The parcel is one of two adjoining vacant parcels in an otherwise densely developed beach community. The property was acquired by the current owner in 2002 and the land use regulations governing this parcel have been in place for nearly 20 years. Most of the oceanfront homes in this area were initially constructed much earlier than the adoption of the 100' dune crest setback in 1984. Many of these homes on the ocean front have been relocated landward to reduce the potential damage from coastal erosion and a number have been relocated landward more than once.

5. As defined by the East Hampton Town Code, beach vegetation is a protected natural feature and the Zoning Board has consistently sought to retain natural beach vegetation to the extent possible in conjunction with the NRSP and variances it has issued over the years.

6. The Board found in the previous application that alternatives were possible that would be more appropriate for the environmental constraints of this parcel. The applicant's new application does not require any variances and the proposed improvements comply with all the minimum requirements of the Town Code. The Board finds that the new application as proposed is a more suitable project for the parcel and will limit damage to the natural features of this parcel, namely beach vegetation, as the proposed improvements are as far from the dunes a possible.

7. The Board also finds that the proposed smaller house and pool are a more appropriate size for the parcel and the elimination of the need for any setback variances from the naturally protective features on the parcel benefits the community as a whole.

8. While we recognize the concerns raised by neighbors at the public hearing concerning the size of the proposed residence, the Board finds that the present application meets the standards for issuance of a NRSP. The present application eliminates the need for any variances, reduces the size of the residence and pool, situates all improvements the maximum practicable distance from the dunes, and incorporates several important mitigation measures such as a 50' scenic easement over the dunes and revegetation of any disturbed areas with beach grass. Accordingly, it will be compatible with the existing land use patterns, community character and protect the natural environment.

9. The Board finds that the application with the mitigation measures set forth herein meets the requirements for a Natural Resource Special Permit as it is compatible with the purposes set forth both in § 255-1-11 and § 255-4-10 and satisfies the criteria set forth in §§ 255-5-40 and 255-5-50 (Natural Resources Special Permit) of the Town Code.

G. DISPOSITION OF APPLICATION

For the reasons set forth herein, the Board makes the following determination with respect to the application:

1. RELIEF OR APPROVAL GRANTED:
A Natural Resources Special Permit (NRSP) pursuant to § 255-4-20 of the Town Code. All structures except the walkway to the beach have been proposed at least 100' from the dune crest.

2. DESCRIPTION OF WORK APPROVED:

To construct an approximately 4, 087 sq. ft residence 3,055 sq. ft. without garage) two-story residence with 2,500 sq. ft. footprint (2,372 sq. ft. footprint without garage), sanitary system, decking and covered porches, a swimming pool, hot tub and 155' walkway to the beach on a parcel of land containing primary dunes and beach vegetation.

H. CONDITIONS OF APPROVAL

Grant of the Natural Resources Special Permit is specifically conditioned upon compliance with the conditions set forth in this section of the determination. All improvements shall be made, built, or installed in accordance with the survey and plans described below.

1. APPROVED SURVEY: Joseph A. Ingegno, Land Surveyor, dated revised December 5, 2005 and stamped received by the Zoning Board December 12, 2005.

APPROVED BUILDING OR CONSTRUCTION PLANS: Michael Behringer, Architect, (5 pages) dated December 16, 2005 and stamped received by the Zoning Board on January 6, 2006.

APPROVED PLANNING DEPARTMENT SKETCH: adapted from the Joseph A. Ingegno survey dated revised December 5, 2005 and stamped by the Planning Department January 23, 2006.

3. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

(a) Applicant shall apply for and obtain a building permit no more than six (6) months from the date of filing of this determination.

(b) Applicant shall apply for and obtain a Certificate of Occupancy no later than eighteen (18) months from the date of filing of this determination.

(c) Project limiting fence shall be erected, to limit land disturbance, conserve beach vegetation, concurrent with the clearing boundary on the aforementioned survey and shown on the Planning Department sketch dated 1/23/06 prior to the commencement and for the duration of the construction activities.

(d) The clearing of vegetation and grading shall be limited to the proposed clearing limits as depicted on the approved survey.

(e) A scenic easement beginning 50' landward of the primary dune crest shall be established over the primary dune crest. The easement, along with an updated survey depicting location of scenic easement as per the aforementioned Planning Department sketch, shall be submitted in acceptable form to the Town Attorney's Office prior to the issuance of a Building Permit. The Town Board must accept and the applicant must file with the Suffolk County Clerk's Office the scenic easement. Proof of filing must be presented to the Zoning Board before a Certificate of Occupancy can be issued.

(f) All areas disturbed by construction activities shall be revegetated with Beach Grass (*Ammophila breviligulata*) planted 12" on center in culms of three or more in staggered rows; or in accordance with the species, sizes and spacing indicated on a Zoning Board approved revegetation plan.

(g) The establishment of turf, lawn, sod or ornamental grass shall be prohibited.

(h) Any structure designed for pedestrian access to the beach shall be limited to a width of 4', height of 2' feet to the slopes and crest of the dune and shall be designed in a manner that does not interfere with the continued accretion of sand within the primary dune and shall require prior ZBA approval.

(i) All roof runoff shall be directed by leaders and gutters into subsurface drywells.

(j) All structures shall be situated at least 2' above the seasonal high groundwater table.

(k) Should approval of the Suffolk County Department of Health Services (SCDHS) be necessary for the construction of the proposed swimming pool, an undated survey stamped with approval by the SCDHS shall be submitted to the Board.

(l) The swimming pool shall utilize a chlorine reducing sanitation system.

(m) The driveway shall be composed of only a clean, local water-pervious quartz gravel material or shall be paved with drainage structures approved by the Town Engineer. Should the drive be paved, the completed driveway and drainage structures shall be inspected by the Town Engineer prior to the issuance of a Certificate of Occupancy.

(n) A Coastal Erosion Hazard Area permit or statement of non-jurisdiction shall be obtained from the New York State Department of Environmental Conservation (NYSDEC) prior to the issuance of a building permit for this project.

(o) The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating the provisions of paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (l) & (m) above and in standard form acceptable to and approved by Counsel to this Board. The said declaration shall provide for its modification or termination only upon the approval of the East Hampton Town Zoning Board of Appeals, after a public hearing held on ten (10) days' notice. Said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk prior to the issuance of a building permit.

(p) A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

I. VALIDITY OF APPROVAL

If any condition of this determination is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

ALL CONCUR

PHILIP GAMBLE, Chair

CATHY O'BRAOIN

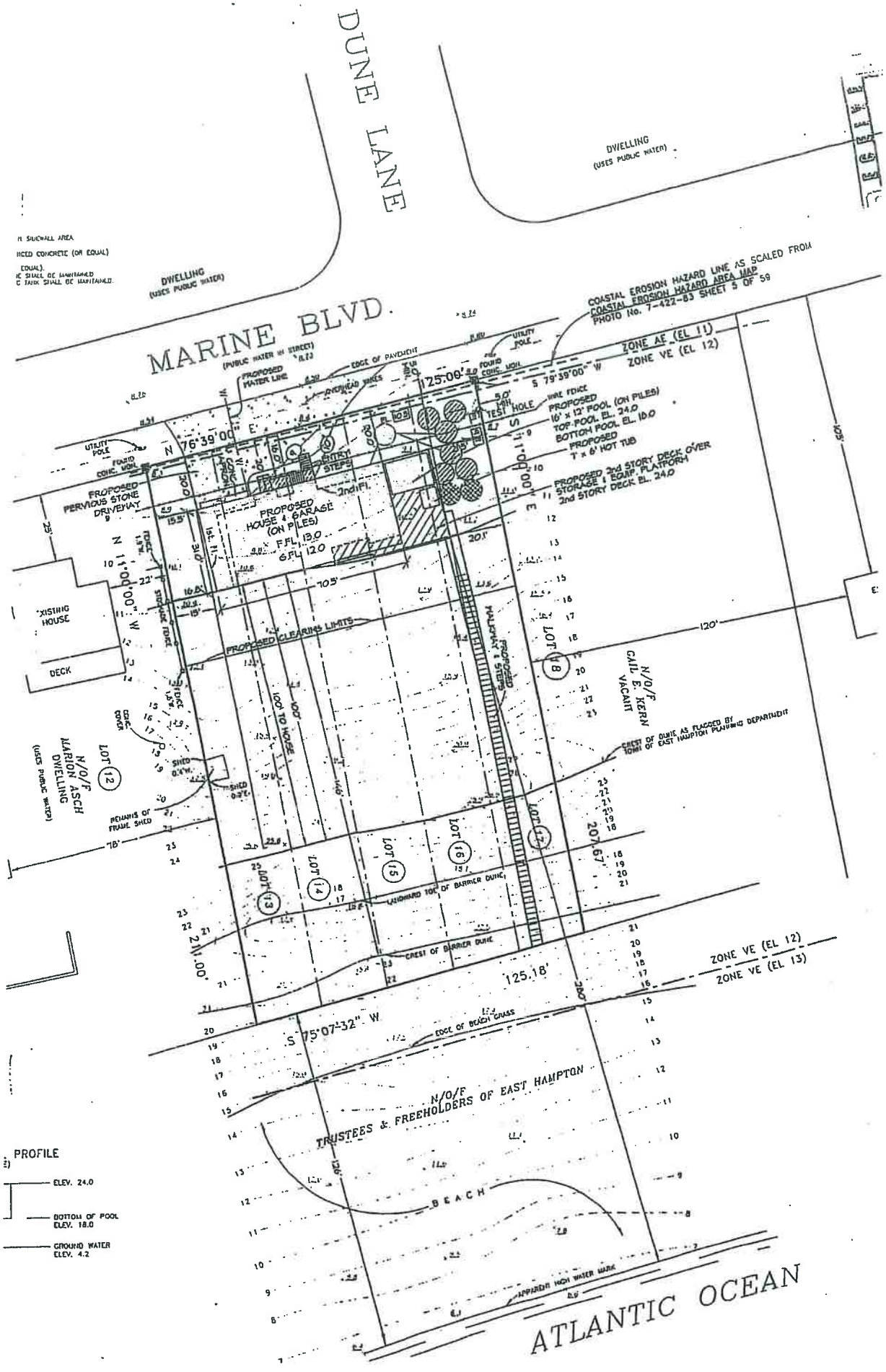
TERRY GANLEY

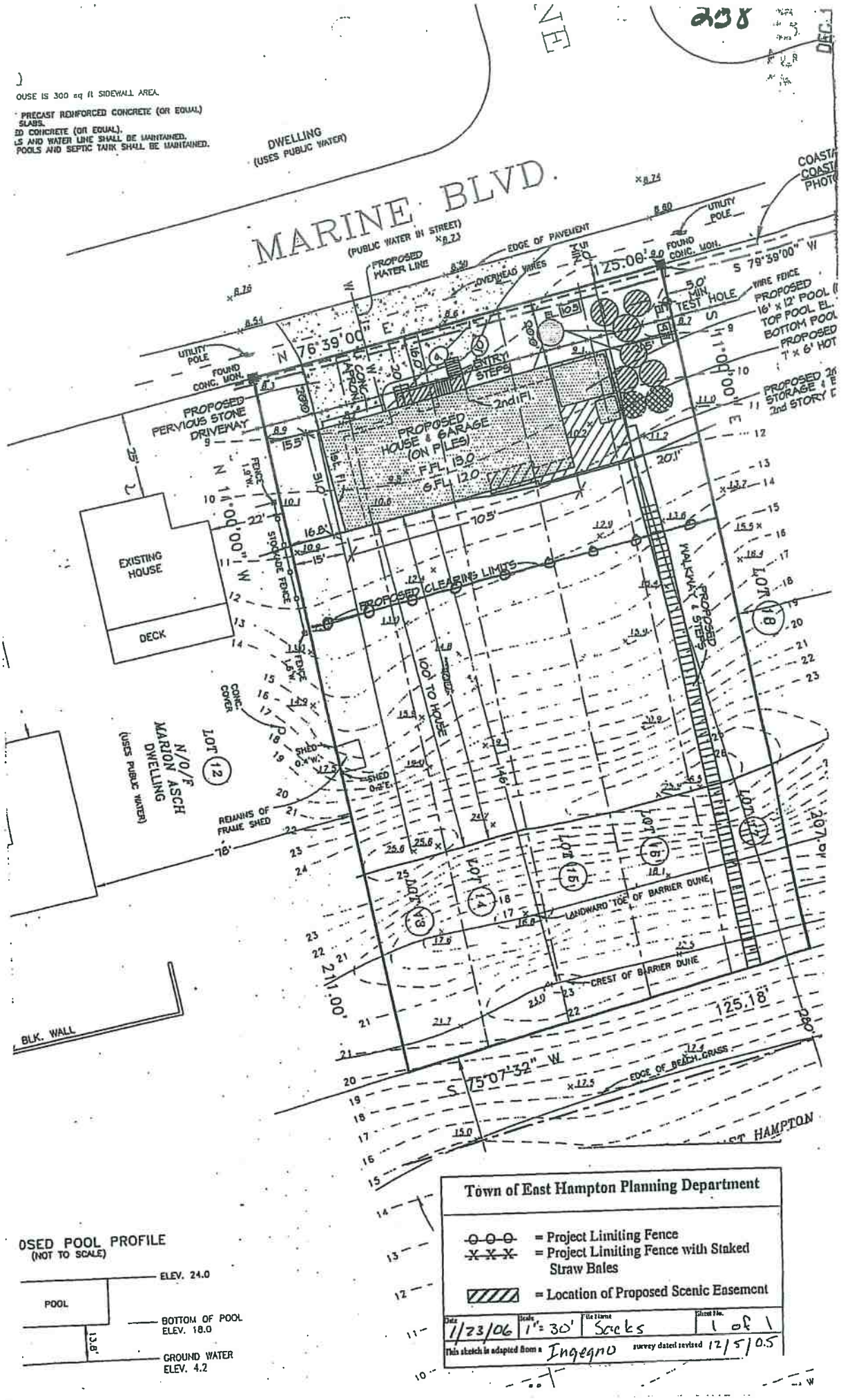
T.J. CALABRESE

LEE WHITE

Dated: April 18, 2006

cc: Building Department
Planning Department
Town Engineer
John MacLachlan, Esq.


DUNE LANE
DWELLING (USES PUBLIC WATER)
MARINE BLVD.
(PUBLIC WATER IN STREET)
COASTAL EROSION HAZARD LINE AS SCALED FROM COASTAL EROSION HAZARD AREA MAP PHOTO No. 7-422-83 SHEET 5 OF 59
ZONE AE (EL 11)
ZONE VE (EL 12)
S 79°39'00" W
125.00'
N 76°39'00" E
PROPOSED PERVIOUS STONE DRIVEWAY
PROPOSED HOUSE & GARAGE (ON PILES)
F.FL. 13.0
G.FL. 12.0
PROPOSED 16' x 12' POOL (ON PILES)
TOP POOL EL. 24.0
BOTTOM POOL EL. 18.0
PROPOSED 7' x 6' HOT TUB
PROPOSED 2nd STORY DECK OVER STORAGE & EQUIP. PLATFORM
2nd STORY DECK EL. 24.0
EXISTING HOUSE
DECK
PROPOSED CLEARING LIMITS
100' TO HOUSE
PROPOSED MALKWAY & STEPS
LOT 18
N/O/F GAIL E. KERN VACANT
CREST OF DUNE AS FLAGGED BY TOWN OF EAST HAMPTON PLANNING DEPARTMENT
LOT 12
N/O/F MARION ASCH DWELLING (USES PUBLIC WATER)
REMAINS OF FRAME SHED
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
207.67'
LANDWARD TOE OF BARRIER DUNE
CREST OF BARRIER DUNE
211.00'
125.18'
ZONE VE (EL 12)
ZONE VE (EL 13)
S 75°07'32" W
EDGE OF BEACH GRASS
N/O/F TRUSTEES & FREEHOLDERS OF EAST HAMPTON
BEACH
APPARENT HIGH WATER MARK
ATLANTIC OCEAN
PROFILE
ELEV. 24.0
BOTTOM OF POOL ELEV. 18.0
GROUND WATER ELEV. 4.2


238
OUSE IS 300 sq ft SIDEWALL AREA.
PRECAST REINFORCED CONCRETE (OR EQUAL) SLABS.
ED CONCRETE (OR EQUAL).
LS AND WATER LINE SHALL BE MAINTAINED.
POOLS AND SEPTIC TANK SHALL BE MAINTAINED.
DWELLING (USES PUBLIC WATER)
MARINE BLVD.
(PUBLIC WATER IN STREET)
PROPOSED WATER LINE
EDGE OF PAVEMENT
OVERHEAD WIRES
UTILITY POLE
FOUND CONC. MON.
S 79°39'00" W
125.00'
N 76°39'00" E
TEST HOLE
5.0' MIN.
WIRE FENCE
PROPOSED 16' x 12' POOL
TOP POOL EL.
BOTTOM POOL
PROPOSED 7' x 6' HOT
PROPOSED 2
STORAGE &
2nd STORY
ENTRY STEPS
2nd FL.
PROPOSED HOUSE & GARAGE (ON PILES)
F.F.L. 13.0
G.F.L. 12.0
PROPOSED PERVIOUS STONE DRIVEWAY
CONC. APRON
EXISTING HOUSE
DECK
STOCKADE FENCE
PROPOSED CLEARING LIMITS
WALKWAY & STEPS
100' TO HOUSE
N 14°00'00" W
211.00'
LOT 12
N/O/F ASCH
MARION
DWELLING
(USES PUBLIC WATER)
CONC. COVER
SHED
REMAINS OF FRAME SHED
BLK. WALL
LOT 18
LOT 17
LOT 16
LOT 15
LOT 14
LOT 13
LOT 12
LANDWARD TOE OF BARRIER DUNE
CREST OF BARRIER DUNE
EDGE OF BEACH GRASS
S 75°07'32" W
125.18'
080'
EAST HAMPTON
Town of East Hampton Planning Department
= Project Limiting Fence
= Project Limiting Fence with Staked Straw Bales
= Location of Proposed Scenic Easement
Date 1/23/06
Scale 1" = 30'
File Name Sacks
Sheet No. 1 of 1
This sketch is adapted from a Ingegno survey dated revised 12/5/05
OSED POOL PROFILE
(NOT TO SCALE)
ELEV. 24.0
POOL
BOTTOM OF POOL ELEV. 18.0
13.8'
GROUND WATER ELEV. 4.2

IX 1 1

ZONING BOARD OF APPEALS
TOWN OF EAST HAMPTON

In the Matter of the Application

of

DETERMINATION

Otis CMS Real Estate Holdings LLC
SCTM #300-176-8-23

HEARING DATE: October 3, 2017

PRESENT: JOHN WHELAN, *Chair*
CATE ROGERS, *Vice-Chair*
DAVID LYS, *Member*
THERESA BERGER, *Member*

ALSO PRESENT: ELIZABETH L. BALDWIN, ESQ., *Counsel to the Board*
DENISE SAVARESE, *Legislative Secretary*
BRIAN FRANK, *Chief Environmental Planner*
RICHARD E. WHALEN, ESQ., Attorney for Applicant
BRITTON BISTRIAN, Agent for Applicant
RONA KLOPMAN, Neighbor
SCOTT BELSKY, Neighbor

FINDINGS OF FACT AND DETERMINATION OF THE BOARD

The findings of fact and determination made herein are based upon the application, the evidence received at the public hearing before the Board, all documents contained in the Board's files and which were received prior to the close of the hearing, and the inspection and field report made by Member Lys of this Board.

A. PROJECT DESCRIPTION:[1]

1. PURPOSE OF APPLICATION: To demolish an existing one story residence and construct a new 4,000 sq. ft. one story residence, with first floor deck, roof deck, swimming pool and new sanitary system on a parcel of land containing barrier dunes, dune land and beach vegetation.

2. RELIEF OR APPROVAL SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to §255-4-20 of the Town Code.

B. PROPERTY SIZE & LOCATION

1. LOT SIZE: 47,210 sq. ft.
2. STREET LOCATION: 189 Marine Blvd.
3. CONTIGUOUS WATER BODIES: Atlantic Ocean
4. HAMLET OR GEOGRAPHIC AREA: Amagansett
5. FILED MAP NAME: Map of Beach Hampton
6. FILED MAP NUMBER: 1283
7. DATE OF MAP FILING: May 20, 1939
8. BLOCK NUMBER IN FILED MAP: N/A
9. LOT NUMBER IN FILED MAP: 4-12
10. SUFFOLK COUNTY TAX MAP DESIGNATION: #300-176-8-23

[1] Following public hearing applicant requested to revise his application. This project description reflects the revised application request.

C. ZONING INFORMATION

1. ZONING DISTRICT: A Residence
2. ZONING OVERLAY DISTRICT: CEOD Zone 1
   Flood Hazard Overlay District

D. SEORA DETERMINATION

1. SEQRA CLASSIFICATION: Type II
2. LEAD AGENCY: N/A
3. DETERMINATION OF SIGNIFICANCE: N/A
4. DATE OF DETERMINATION: N/A

E. STANDARDS FOR BOARD REVIEW

1. In order to be eligible for issuance of the requested Natural Resources Special Permit, applicant must show that the proposed action is compatible with the purposes of §§ 255-1-11 and 255-4-10 of the East Hampton Town Code and satisfies the criteria set forth in §§ 255-5-40 and 255-5-50 (Natural Resources Special Permit) and 255-5-51 of the Town Code.

2. The Board finds that granting the instant application will be consistent with the requirements of both Town Law § 267-b and Town Code § 255-8-50.

F. ADDITIONAL FINDINGS AND CONCLUSIONS

1. The subject premises are presently improved with an approximately 2,567 sq. ft. one-story residence with slate patio and a 1,309 sq. ft. three bedroom one-story cottage with decking constructed prior to the adoption of zoning. The residence and its associated patio are located 34' and 28' respectively from the primary dune crest. The improvements on the property most recently received a Certificate of Occupancy in June, 2016 and the owner appears to have acquired the property in July, 2016. The most recent survey (Saskas Surveying Company, revised 4/2/18) depicts the proposed structures and the structures proposed for removal in greyscale. The corresponding building plans were prepared by Form Architecture (9 pgs) dated 4/2/18. The proposed residence and existing cottage aggregate 5,309 sq. ft. This application appears to require a Coastal Erosion Hazard Area permit from the New York State Department of Environmental Conservation (NYSDEC). Comments from the NYSDEC have not been received to date.

2. The subject property is situated on the south side of Marine Boulevard which borders the primary dune and beach of the Atlantic Ocean. This group of properties is characterized by predominantly improved properties. Many of these properties were initially developed prior to the Town's adoption of contemporary coastal setbacks in 1984 and some, like the subject property, were initially developed prior to the adoption of zoning. Over the years the Zoning Board has reviewed numerous applications in this area ranging from modest additions or appurtenances to complete redevelopments with much larger residences.

3. This stretch of shoreline has not experienced severe or chronic erosion since the 1970's and early 1980's when several of the homes along the oceanfront were relocated landward to reduce the potential damage from coastal erosion and a few were moved landward more than once. Nonetheless, the potential vulnerability of this area to flooding and erosion should not be underestimated. Coastal areas are inherently dynamic and prone to cyclical changes in erosion rates and patterns, especially adjacent to the ocean shoreline. Nearly all of the property is located in the Velocity Flood Zone, is seaward of the State designated Coastal Erosion Hazard Area boundary and seaward of the federally designated Limit of Moderate Wave Action (LiMWA) boundary. The VE Flood Zone is part of the Velocity Floodplain as defined by the Town Code and is characterized as an area "...subject to high velocity wave action from storms..." and "shall have the same meaning as 'coastal high hazard area'." According to the Federal Emergency Management Agency (FEMA), VE flood hazard zones are locations where wave heights may equal or exceed 3' during 1% annual chance flood event. The vulnerability of Marine Boulevard to flooding and erosion is likely to increase in the future as result of the impacts of sea level rise.

4. Generally, due to limitations to the percentage of non-conforming square footage that may be added to non-conforming structures and FEMA thresholds that require non-conforming structures to comply with flood zone elevation requirements and specifications, the trend towards redevelopments on properties south of Marine Boulevard is likely to continue. The Planning Department encourages the Board to limit the number and magnitude of variances granted from the 100' primary dune crest. The property is one of the largest lots on the south side of Marine Boulevard and as such, is arguably less constrained than smaller (narrower) properties in the area. Since the public hearing, applicant proposed renovating the guest cottage. While the renovation are primarily interior, the applicant has proposed changing a couple of doors and therefore, the work qualifies as an alteration which requires an NRSP. Applicant has submitted a separate application to this board seeking an NRSP for the alterations to the cottage.

5. Following public hearing on October 4, 2017, the applicant requested additional time from the Board to revise his proposed project in order to address some of the Board's concerns. A revised submission was submitted to the Board on April 18, 2018 and resulted in the following changes to the application:

   a. Proposed second floor of main house removed
   b. Lot coverage increased by 155 sq. ft.
   c. Total lot coverage decreased by 1,326 sq. ft.
   d. GFA of proposed main house reduced by 973 sq. ft.
   e. Proposed main house lower decks removed.
   f. Area of clearing reduced in size.
   g. Design and layout of low-nitrogen I/A OWTS septic system changed.
   h. Decrease in topographical disturbance outside areas of construction
   i. Proposed wood beach walkway from main residence removed.
   j. Existing beach-view deck atop dune crest to be removed.

6. The revised project eliminated the need for any variances and the requested relief for the project now is only a Natural Resources Special Permit.
7. Pursuant to the Town Code, in order to be entitled to the grant of a Natural Resources Special Permit an applicant must show that he has satisfied the general standards contained in Town Code § 255-5-40 as well as the specific standards contained in the Natural Resources Special Permit sub-section in § 255-5-50.

8. The Zoning Board finds the nature of the proposed use will be in harmony with and will promote the general purposes of the Town of East Hampton Zoning Law as described by § 255-1-11 of the Town Code.

9. The Board finds that the lot area is sufficient, appropriate or adequate for the proposed improvements. Applicant has redesigned existing structures on the property to comply with Town Code by eliminating all originally requested variances. The proposed total lot coverage will be reduced from what currently exists on the property.

10. The Board finds that the use in the proposed application will maintain the established character of the neighborhood. Applicant is proposing a redevelopment of the property that is consistent with other properties in the neighborhood. No variances are requested for the project and an extensive revegetation will offset any environmental impacts.

11. The Board finds that the characteristics of the site are such that the proposed use may be introduced without undue disturbance or disruption to important natural features. Applicant has revised the project to eliminate the need for any variances from natural features or dimensional requirements. No impacts to the dune or bluff crest are expected from the project and Applicant has proposed extensive revegetation. A scenic easement on the property will protect the natural features in perpetuity and help offset redevelopment of the property.

12. The Board finds that the proposed project, constructed in accordance with the proposed mitigation measures set forth below, promote the public interest in adequately preserving the dunes, dune land and beach vegetation.

13. The Board finds that the application with the mitigation measures set forth herein meets the requirements for a Natural Resource Special Permit.

G. DISPOSITION OF APPLICATION

For the reasons set forth herein, the Board makes the following determination with respect to the application:

1. RELIEF OR APPROVAL GRANTED:
A Natural Resources Special Permit (NRSP) pursuant to § 255-4-20 of the Town Code.

2. DESCRIPTION OF WORK APPROVED:
To demolish an existing one story residence and construct a new 4,000 sq. ft. one story residence, with first floor deck, roof deck, swimming pool and new sanitary system on a parcel of land containing barrier dunes, dune land and beach vegetation.

H. CONDITIONS OF APPROVAL

Grant of the specified variances is specifically conditioned upon compliance with the conditions set forth in this section of the determination. All improvements shall be made, built, or installed in accordance with the survey and plans described below.

1. APPROVED SURVEY: Prepared by Saskas Surveying Company, dated last revised April 2, 2018, and stamped received by the Zoning Board on April 18, 2018.

2. APPROVED BUILDING OR CONSTRUCTION PLANS: Prepared by FORM Architecture and Interiors, dated last revised April 2, 2018, and stamped received by the Zoning Board on April 18, 2018.

3. APPROVED SANITARY PLAN: Prepared by D. B. Bennett, P.E., P.C., dated last revised April 2, 2018, adapted from the Saskas Surveying Company, dated last revised March 28, 2018.

4. ADDITIONAL CONDITIONS AND TIME LIMITATIONS:

   a. Project limiting fencing consisting of 4' plastic safety or snow fence shall be erected concurrent with the proposed limits of clearing for construction purposes on the approved survey to limit the clearing of vegetation and land disturbance. The fencing shall be maintained for the duration of construction activities and replaced as necessary when damaged, dislodged, deteriorated or upon request of the Building Department or a delegate of the Zoning Board of Appeals.

   b. Prior to the issuance of a building permit, the Board, or their delegate, shall inspect the project limiting fencing for proper installation.

   c. The clearing of vegetation and the filling, grading or recontouring of the property shall be strictly limited to the boundaries established by the Board and any proposed grading depicted on the approved survey.

   d. A scenic easement shall be established over the lands 50' landward of the primary dune crest. The easement, along with the approved survey depicting the location of scenic easement shall be submitted in acceptable form to the Zoning Board of Appeals Office for approval by Counsel to this Board, prior to the issuance of a Building Permit. The Town Board must accept and the applicant must file with the Suffolk County Clerk's Office the scenic easement. The original easement shall be returned the East Hampton Town Clerk's Office. Proof of filing must be presented to the Zoning Board before a Certificate of Occupancy can be issued.

   e. Copies of the same, with proof of recordation shown thereon, shall be returned to the Town Clerk prior to the issuance of a building permit.

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f. The retaining wall located along the southern limit of the lawn and the lawn should be removed. The Dune land soils excavated for the approved structures shall be retained on site and used for backfill and top dressing to facilitate the retention of the dune land character and the recolonization of disturbed areas with indigenous dune land species.

g. All areas disturbed by construction activities should be revegetated with Beach Grass (*Ammophila breviligulata*) planted 18" on centers in culms of three or more in staggered rows or on a revegetation plan that indicates the locations, species, size and spacing. Any plan shall be submitted to the Board for approval prior to the issuance of a building permit. The plan shall be implemented and inspected by the Board or their delegate prior to the issuance of a Certificate of Occupancy.

h. The number of dune crossings for beach access shall be limited to one and the existing deck on the dune shall be removed as noted on the approved survey.

i. The establishment of turf, lawn, sod or ornamental vegetation shall be prohibited.

j. The residence shall be furnished with gutters and leaders to direct stormwater from roofs into one or more catchment basins. Said catchment basin or basins should have a combined volume (in cubic feet) equal to the surface area of the roof (in square feet), divided by six. Said catchment basin should be made available for inspection by the building inspector prior to backfill.

k. All structures shall be situated at least 2' above the seasonal high groundwater table.

l. The swimming pool shall utilize a chlorine reducing sanitation system and all pool water should be discharged into a drywell located at least 100' from the wetlands on the survey.

m. The driveway shall be composed of only of a clean, local, water-pervious quartz gravel surface or, if paved, the driveway composition and any drainage structures should be reviewed and approved by the Town Engineer prior to the issuance of a building permit. The completed driveway and drainage structures should be inspected by the Town Engineer prior to the issuance of a Certificate of Occupancy.

n. The applicant shall prepare and submit a declaration of covenants and restrictions, incorporating paragraphs (i) and (k) of this determination in standard form acceptable to and approved by Counsel to this Board. The said declaration shall provide for its modification or termination only upon the approval of the East Hampton Town Zoning Board of Appeals, after a public hearing held on ten (10) days' notice. Said declaration, after approval by counsel, shall be recorded at the Office of the Suffolk County Clerk.

o. Applicant shall prepare and submit to the Board for approval a construction protocol prior to issuance of a Building Permit. Any

modification to the protocol shall be submitted in writing to the Board for approval.

p. A permit or statement of non-jurisdiction should be obtained from the New York State Department of Environmental Conservation (NYSDEC) prior to the issuance of a building permit for this project.

q. A copy of the Natural Resources Special Permit and the approved survey and building plans shall be available on the parcel at all times.

r. Applicant shall apply for and obtain a Building Permit no more than thirty-six (36) months from the date of filing this determination.

s. Applicant shall apply for and obtain a Certificate of Occupancy no more that twelve (12) months from the date of issuance of the building permit.

I. VALIDITY OF APPROVAL

If any condition of this determination is not met, or is not met within the prescribed time period, all approvals, permits, or authorizations granted hereby shall be deemed void and of no effect.

ALL CONCUR[2]:

JOHN WHELAN, *Chair*
SAMUEL KRAMER, *Vice-Chair*
ROY DALENE, *Member*
THERESA BERGER, *Member*
TIM BRENNEMAN, *Member*

Dated: June 26, 2018

cc: Building Department
Planning Department
Richard E. Whalen, Esq.
Britton Bistrian

[2] Vice Chair Rogers and Member Lys were no longer part of the Zoning Board when this determination was rendered. Vice Chair Kramer and Member Brenneman watched the public hearing and reviewed the record in order to take part in this determination.

PLANNING - <PREPARERS NAME> - <DATE>

Basemaps: 2018 Pictometry Digital Ortho Photography
Suffolk County Real Property Tax Service
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Real Property Taxmap parcel linework used with permission of
Suffolk County Real Property Tax Service Agency (R.P.T.S.A.)

N

1 " = 100 feet

Feet
0 25 50

THE TOWN OF EAST HAMPTON

CMP SJ LOT LINE MODIFICATION

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Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York
Dept. of Information Technology

Date Prepared: <Month day, Year>

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