



**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: Stephen Cheeseman

Owner: Lenore Cheeseman

**Tax Map #:**

496-2.26

**Application No.:**

**Zoning Authority:**

Islip

**Community:**

Cornielle Estates

**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:**

See attached 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

3/6/2014

Date

Cc: Applicant



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In Reply Refer to:

496-2.26

March 6, 2014

James H. Bowers, Chairman  
Zoning Board of Appeals  
Town of Islip  
40 Nassau Ave., Suite 1  
Islip, NY 11751

Re: Stephen and Lenore Cheeseman, 147 Clipper Roadway, Corneille Estates, Fire Island  
Receipt # 41196 - SCTM # 49600 0200 026000

Dear Chairman Bowers:

The Seashore strongly objects to this application, and recommends denial of the variances requested. Our findings are as follows:

According to the database of the Suffolk County Real Property Tax Service Agency, the three lots owned by Mr. & Mrs. Cheeseman are listed as three separate and distinct lots. In fact, this application specifically indicates only Lot 26. They purchased the lots in 2000. Lot 26 is classified as a one-family year round residence, Lot 27 is classified as waterfront vacant land, and lot 28 is classified as underwater land. Per the Town of Islip code, § 63-B Definitions, *Lot* is defined as, "... Upland only shall be determined land; neither land underwater, shore, strand, nor beach shall be deemed land for the purpose of this ordinance." There is no specific definition for land. But, the code goes on to define *Lot Area* as "The total area measured inside all the lot lines, leaving out the underwater portion." The Seashore defines this as the area within the lines that make up Lot 26. Lots 27 and 28 do not apply to this application.

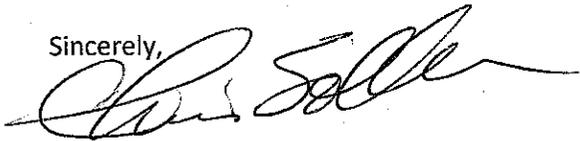
Upon review of the aerial photography in Google Earth, we found that the 2001 image showed the existence of the house, a shed, walkways, and associated decking. However, in the 2004 image, the addition of the swimming pool, additional decking and the sports court are evident. Our files do not include any proposals or variance requests for this additional development. If fact, we have no previous file on this property at all. If the applicants did submit a building permit request, and subsequently received one from the town, and did not require any variances, then it would stand to reason that we would not have such a record. However, it appears that construction occurred that went beyond the scope of this possible building permit, and for which the applicants are now seeking variances. If the

town grants the requested setback variances, including development located right on the east property line (a 0' variance), this would allow for this illegal development after the fact, which essentially negates the Zoning Code for the Town of Islip. This is clearly a self-created hardship, which should not be approved.

We also find that this development, which may have been consistent with the Federal Zoning Standards in 2001, before this additional development was added, is now clearly in violation of the federal standards. Lot 26 is developed 52.6% of the lot, wherein the maximum allowed under the federal standards is 35%. The percentage of lot occupancy calculations is no longer required under town code, a change made in 1997 that is inconsistent with the Federal Zoning Standards for Fire Island National Seashore. However, given that there is no mention of the existing floor area ratio (FAR) percentage in this application, we question what the town is actually evaluating, when no ground elevations are indicated on the survey, which is necessary to calculate FAR. And, what exactly did the town evaluate prior to 2004, when this excessive development did occur?

In conclusion, what we find is 1) development that apparently occurred without permit for which the applicants are now seeking to be made legal, including setback variance requests that fly in the face of the town code, 2) overdevelopment of a sensitive oceanfront lot, to over 50% lot occupancy, that, without the benefit of sand scraping endeavors, is little more than open beachface, and 3) the potential for incomplete evaluation on the part of the town in its review of this variance request. We therefore recommend denial of the application in its entirety until these issues are resolved. This property, whether it is deemed legal by the town, or not, is subject to the condemnation authority of the Secretary of the Interior, unless it is returned to its prior consistency with the town codes and the federal standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Soller", with a long, sweeping horizontal line extending to the right.

K. Christopher Soller  
Superintendent