

**ZONING BOARD  
PUBLIC HEARING  
VILLAGE OF SOUTHAMPTON  
JANUARY 25, 2018**

Due notice having been given, the public hearing of the Zoning Board of Appeals of the Village of Southampton was held in the Board Room of the Municipal Building, 23 Main Street, Southampton, New York on Thursday, January 25, 2018 at 7:30 p.m.

Chairman Kevin Guidera and Board members Mark Greenwald, James Zuhusky and Daniel Guzewicz were present. Robert Devinney was absent.

Beau Robinson and Wayne Bruyn, Village Attorneys, and Chic Voorhies, environmental consultant, were present.

Chair opened the meeting.

**PENDING DECISIONS**

On the application of **DPB SOUTHAMPTON LLC**, 70 South Hill Street, the written decision was accepted. Counsel Robinson noted to the Board that accepting the decision would mean denying the request.

Motion by M. Greenwald, seconded by D. Guzewicz

**To accept the written decision as prepared by Counsel to deny on the application of DPB SOUTHAMPTON LLC.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, M. Greenwald

**PENDING CASES**

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, applicant submitted a letter requesting adjournment to the February 22, 2018 meeting.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To adjourn until February 22, 2018 per the applicant's request on the application of BEECHWOOD LATCH LLC.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, M. Greenwald

**NEW CASES**

On the application of **472 FIRST NECK LANE, LLC**, 70 South Hill Street, John Bennett present for the applicant, affidavits of mailing and posting were submitted. They are requesting two things, a front yard variance for an existing garage and to tweak existing wetlands relief. They want to amend the wetlands application. They want to extinguish the guest house that stands over the garage, it conforms with the side setback and it is 732 feet from First Neck Lane.

The Steven's property, a neighbor, has a front yard variance for a garage and the Frist property, another neighbor, has a variance for a now attached garage on their property. The amendment request for the wetlands is very minimal but there is quite a bit of the change with the front in the garage area. The

garage will stay in the same location, but it will be attached, and the guest house will be extinguished. The garage request for relief is common and typical for the situate of this property. Keeping accessory structures out of the front yard is to keep aesthetics, however, this is so set back that it will not be visible from the road so granting the request will not affect the street visually.

Chair Guidera asked whether the application is before the ARB and asked if has been favorably reviewed. John Bennett feels that should not be a consideration for this Board. Zac Studenroth responded favorably to what they have proposed. Some of the changes to the site plan are from the public comments and feedback from Board members. D. Guzewicz doesn't have a problem with tweaking things but he's worried that it will keep coming back for changes based on public comment feedback since approval has not been given in the ARB. John Bennett noted that the Southampton Association is not in favor and two Board members on the ARB have an affiliation with the Southampton Association.

Regarding the wetlands, there are not changes to the 50' buffer and the new sanitary system will stay. The modifications are 579 square feet of habitable space, they have pulled it in by 13 square feet, there are 307 square feet of covered porches. They will be 136' from wetlands. The total coverage within the 150' area will be reduced by 700 plus square feet.

Tim Rumph, the landscape architect, noted the footprint has been consolidated by reducing the driveway.

Melissa Dedovich, Peconic Environmental Consultants, stated that the lot coverage had been decreased within the 150' jurisdiction.

John Bennett has no problem putting everything from the previous meeting in the record regarding the Jeffers counsel, P. Fife, who is present.

Mark Greenwald wanted clarification of porch area. The coverage for structures in the 150' setback is staying the same but the ratio of porch space and house distance from wetlands will remain the same; by doing this they reduced the driveway substantially by a about some 1000-square feet in coverage. The lot coverage will be reduced by 208 square feet. The square footage of the house is 6875 square feet; they are allowed 6500 square feet more by the code; so, the house is half its allowable size. They aren't asking for any more square footage of habitable space in the request.

Counsel Robinson asked what is being removed regarding the driveway. John Bennett stated that the arc of the driveway was narrowed. Counsel Robinson asked that it be clearer in the plans, possibly show the change in a different color. He could see the change, but it is not clearly defined on the plan.

A survey was submitted yesterday to show a change in the one-story addition that was requested by Z. Studenroth. That is the reason for that submission. The revision date is the 23<sup>rd</sup> of January 2018.

Mr. Patrick Fife, Counsel representing the Jeffer's and Steven's, they agree of having the record from the last proceeding recorded into the record for this proceeding. Counsel said that was fine.

Additional points since the original application, this plan has been amended three times. He feels that it is not appropriate to consider this application until the ARB has made a final determination so there will be no need to return before this Board.

B. Robinson noted it may be better that this Board makes a judgement so that it will be reposted, that will be a good thing for his clients; he doesn't understand the linkage. D. Guzewicz stated that the Board wants to close this application.

Second, Mr. Fife noted that at the last meeting the Village was on the verge of requiring the advanced septic guidelines, they have since been adopted by the Trustee and he feels that should be a requirement for this application. Chair Guidera noted that they will be complying with that. P. Fife continued that the proposal includes more square footage, but the lot coverage is the same in the protected wetlands. There is one new room on the plans that was labeled as a bedroom since the last approval. The current plans have three bedrooms on the third floor. What had been labeled as a bedroom previously is now being labeled a laundry room. He feels it meets the code regarding off street parking, etc., as a bedroom.

John Bennett, noted that according to the Building Inspector, it is proposed as 9-bedroom house. P. Fife disagreed with that definition, stating that it is not a 9-bedroom house.

Mark Greenwald asked for clarification about the gross square footage reduction, J. Bennett said the floor area has increased but the overall habitable space coverage is reduced.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To close for written decision on the application of 472 FIRST NECK LANE LLC.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, M. Greenwald

## **PENDING CASES**

On the application of **MITCHELL FAMILY REAL ESTATE LP**, 180 Great Plains Road, present for the applicant is Gilbert Flanagan, this is a hold over application that was adjourned to enable them to go before the ARB regarding the historicity of the property. There was a resolution that the ARB adopted, and the report shows the existing house is historic and to be preserved. They agreed to update the sanitary systems. There are no buried fuel tanks. Counsel Bruyn asked if it was one of the agreed upon septic systems. G. Flanagan noted that yes it would be an approved system. There are several variances that have been applied to this property. There is a summary of the existing variances that were submitted. The good news is that the surveys on file have the correct location of existing building. There is an original filed map that shows it as a two-lot subdivision; there was no variance for the existing house.

Counsel Bruyn asked if it represents that the four-lot subdivision never went before the Village. It was drawn but never submitted. There was no need for Southerly relief. Counsel Bruyn asked about the gross floor area of the guest house, he noted that it should be documented. G. Flanagan noted it is 4438 square feet and submitted a report from John David Rose to show the calculated GFA.

M. Greenwald wanted clarification regarding the practical difficulty. There was a two-story garage with an apartment, the applicant wanted to convert that and expand it. They had an 8-acre lot that they subdivided in 2016. There is a statement that the applicant had no intention of sale, he asked whether that was sold. The southerly parcel was sold confirmed G. Flanagan. His question is that they received everything they had requested regarding variances and now they are asking for a practicality variance. G. Flanagan said it is not a matter of practicality, the test is the balancing of the architecture and needs

of the applicant when you have a historical building. They ARB wants to leave the building untouched, they were explicit in that.

M. Greenwald stated that he feels the guest house is not being taken into consideration regarding the gross floor area. Counsel Bruyn stated that a condition can be put in that will subtract the GFA of the guest house from the main house. He also stated they will need the garage square footage of the existing house so that is not included as GFA.

G. Flanagan stated it is a one of a kind situation so will not be a precedent case. Counsel Bruyn stated that because it is historic, it will not set a precedent for your average homeowner. Dan Guzewicz felt that it would be a very small number of people who would fit into this situation.

The ARB decides the historicity. G. Flanagan stated he feels that it is unique, this started as an accessory dwelling, that alone narrows the field for setting precedent.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To close on the application of MITCHELL FAMILY REAL ESTATE LP subject to submission of the map and floor area calculations.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, M. Greenwald

On the application of **809 MEADOW LANE LLC**, present for the applicant is Sean Bennett, he met with Mr. Voorhies and submitted a statement that shows the suggestions of Mr. Voorhies and how they will be applied for the bulkhead, the old bulkhead will be cut away after the new one is to be installed behind it per the DEC. This will protect the wetland. Work will be during high tide only and it will be performed from a boat. Any disturbance of wetlands will be replaced with like and kind.

C. Voorhies stated it was a productive meeting and the contractor was present as well. Tidal wetland vegetation will not be disturbed. The scope of work should be received as of yesterday. He is satisfied that all the concerns have been met and handled. A draft of the wetlands permitted was submitted by C. Voorhies, if everything else is in place the Board felt they could proceed with a decision. Counsel stated that the DEC wetlands permit is in the file, so they could proceed with approval.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To approve on the application of 809 MEADOW LANE for the wetlands permit as per the environmental consultant.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, and M. Greenwald

On the application of **MORGAN SHARA**, 38 Harvest Lane, Samantha Greco was present for the applicant and submitted a letter seeking an adjournment for this application to the February meeting. It was noted that the Benedict's, a neighbor, have submitted a letter to the file. Affidavits of mailing and posting were submitted.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To adjourn on the application of MORGAN SHARA per the applicant's request to the February 22, 2018 meeting.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz, M. Greenwald

On the application of **CLEA LLC**, 145 Lee Avenue, Melissa Dedovich, Peconic Environment Associates, was present for the applicant. With her was the architect, Lisa Zaloga. They are requesting a small side yard variance for a pool house. The pool house square footage has been reduced, the height of the pool house has been reduced by 7 inches. The side yard setback has been increased to 25 feet decreasing the request for relief by 10 feet. They do not require a DEC wetlands permit. The pool house needs to stay in the proposed location because they would have to install new septic systems and it would be in the wetlands and use retaining wall and fill if they chose another location. A letter was submitted from Lester Holden the contractor for the septic system and it notes that the location requested is the best possible location to have the pool house and septic system for the least impact to the wetlands.

A schematic provided shows all the possible locations for the pool house and septic. The location marked A is the preferred location. The C location requires a side yard setback variance as well. The neighbor asked for privacy, so the C Location does not provide that, making the A location the preference. Location C needs a little more relief than location A. D. Guzewicz asked about the reduction, he felt if the wing with the laundry room was moved there would be no need for relief or a need for very small relief. Lisa Zaloga, the architect, noted that they were trying to maintain the required 20 feet sanitary system distance and balancing the distance of the existing pool from the pool house. She also stated that they desired to preserve mature trees for screening. The other consideration is they don't want to compromise the existing pool by going closer than 20' to the pool wall during construction. D. Guzewicz felt that 15' would not compromise the pool and would lessen need for relief. Chair Guidera stated they don't have to shift it left, if brought closer it will still be centered with the pool. Chair Guidera noted the relief would be five feet less, although the bedroom would be looking right into the pool house and lose a view.

They are down to a 28% relief requested. They would require more relief if it was moved to location C. The sanitary system will be new, but it will be 250' from wetlands. Melissa Dedovich requested a decision to be read in tonight. Counsel Bruyn stated that no decision can be given tonight, it would have to be at the next meeting.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To close for written decision on the application of CLEA LLC.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz and M. Greenwald

## **NEW CASES**

On the application of **GREENBLATT TRUST 2015**, 1990 Meadow Lane, Mark Greenwald recused himself from consideration of this application. John Bennett present for applicant, submitted affidavits of mailing and posting.

J. Bennett noted that dune crest and wetland relief was previously granted for the property based on a site plan for a traditional house. Later a more contemporary house was proposed and a modification to the site plan is necessary. The proposed residence is 98 feet from the crest of dune. The proposed sanitary system is 70 feet from the crest of dune. The contemporary house is a bit better or the same as the existing approval.

Regarding the wetlands, the proposed house is .1 feet further from the wetlands. Most of the changes to the site plan does not ask for further relief from the crest of dune. There is an overall reduction in coverage. The current planting plan is consistent with the last approved plan. It has been adjusted

around the footprint of the new architecture. More trees were added and native vegetation. Net gain of 1200 square feet of native vegetation was noted. The change of the site plan is mainly because of the change from a traditional to a contemporary. Michael Shano, from InterScience, noted that there is no net fill to be added within the 125' wetlands setback. This meets the code requirement. Chair Guidera asked why he needs relief. He is here because John Foster felt he should come before the Board because the site plan is so different. There is no real change to the existing approvals.

C. Voorhies asked where the additional 1200 square feet plantings are. The garden areas punctuate into the building more along the front.

Wayne Bruyn stated that subject to Nelson, Pope and Voorhies approval, he feels that this application can be closed for decision for the next meeting.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To close on the application of GREENBLATT TRUST 2015 subject to review and approval by Nelson, Pope and Voorhies Environmental Consultants.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz

Recused: M. Greenwald

On the application of **35 WYANDANCH LLC**, 35 Wyandanch Lane, present for the applicant is Gil Flanagan, affidavits of mailing and posting were submitted. This application is requesting of a relief of 2.1 feet of 20' setback for a single-story addition that will be a master bathroom. Gil Flanagan noted that the request for relief that was posted by the Village was incorrect because they were using the 4/10 rule and it does not apply to this property. Wayne Bruyn noticed and questioned the Building Department once he realized what had been done and acknowledged the error. The requirement is a 20' side yard setback and he needs 2.1' for one corner only. The addition conforms but at the one corner it does not conform because of the situate of the house to Wyandanch Lane. It is a total of 21 square feet of the addition that needs relief, it adds a bathroom to an existing master which currently does not have one. The calculation for lot coverage are on the survey and there is a summary of the GFA. This is a one-story addition with no Pyramid Law issue. Mark Greenwald questioned not using the 4/10 rule. Gil Flanagan noted it does not apply to this application.

There are a couple letters from neighbors. Mrs. Lipman, a neighbor, noted a concern that the houses are very close together. There is a 93' setback from the applicant property to the Lipman property. There is substantial screening. Aerial photos and landscape photos were submitted to show screening of the southerly neighbor.

The second letter in the file is from the Grant's, another neighbor, the setback to their property is even greater at 145'. There was no real substantial hardship mentioned in the letter other than they did not really like variances.

The bathroom proposed is modest in size, so modest that G. Flanagan noted they really could not go smaller and there was no other option in placement or size. The Board agreed that it was not a large master bathroom.

Motion by D. Guzewicz, seconded by J. Zuhusky

**To close for decision on the application for 35 WYANDANCH LLC.**

On Vote: Chair Guidera, J. Zuhusky, D. Guzewicz and M. Greenblatt

Chair Guidera closed the meeting.

Respectfully Submitted by:

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JoLee Sanchez

File Date: \_\_\_\_\_

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Village Clerk