

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
FEBRUARY 13, 2018
WORK SESSION**

Due notice having been given, the work session of the Zoning Board of Appeals for the Village of Southampton was held in the Board room of the Municipal Building, 23 Main Street, Southampton, NY on Tuesday, February 13, 2018 at 6:00 p.m.

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

Counsel for the Board Wayne Bruyn and Environmental Planning Consultant Chic Voorhis were present.

PENDING DECISIONS

On the application of **MITCHELL FAMILY REAL ESTATE LP**, 180 Great Plains Road, Counsel Bruyn stated that Gil Flanagan submitted the requested letter of calculations. The GFA calculations are well within what is allowed, however, they need to decide if they will include or exclude the cottage in the total GFA for the decision. G. Flanagan also wanted to know if they want them to update the septic system. This area is not near wetlands. R. Devinney asked if it is in a priority area? Counsel stated they need to find out that out.

Mark Greenwald stated why does it have to be called a guest house. The structure is a 4402 square foot primary dwelling currently, he feels that it could be returned to a garage and apartment, instead of a guest house. Counsel added that the property is 4 acres, in that area most people want a larger home of 7 to 8000 square feet, so it's current size is considered small. Chair Guidera feels that size of the property is fine for a guest house. M. Greenwald stated it was a primary residence and it was fine for years but now because they want to sell it, they are interested in changing it's use; that bothers him. Chair asked if they are increasing the size of the carriage house, it was noted that no they were not. M. Greenwald stated the motivation for the change is financial. The building is historic, the decision by the ARB is that it needs to be left in current historic condition. Chair asked if it was being developed for the family to stay would he have a problem, M. Greenwald felt that if it was the applicant that desired to develop the property to their specifics he would feel better. Counsel Bruyn stated that for a 4-acre lot what is the typical size of the house being built, it is usually much greater than the existing house. They need to decide if they are going to limit the size of house that will be built in the future. For an accessory structure it would severely limit the use to one bathroom and no bedrooms, it would restrict a large structure. The Wyandanch decision was similar. That property had four existing dwellings, two were historic and they were desiring to demolish two. There was not limitation on the GFA of the house based on those existing dwellings. A primary condition was taking down two of the non-historic dwellings.

Counsel Bruyn noted that they can limit the size of the house and put new septic conditions. J. Zuhusky noted that in the Estate area it is common to have large dwellings and a large primary dwelling. The Board feels okay with it; except for M. Greenwald. They can limit to a 14,000 square foot house with a 4402 square foot guest house. Chair stated they cannot tear down the structure and so they must work around it. Counsel brought out that it may not support the historic preservation to give it accessory

status, they can let it fall into disrepair but if it's a useable structure it can be properly preserved. ARB is strict regarding keeping historic structures in place so moving will not be possible.

J. Zuhusky felt because of the location and historic status that the application is unique; precedent will not be a problem. Counsel stated they can put conditions not to expand or alter the guest house and deduct from GFA of the future house, so that it be considered in the overall GFA. Another condition could be updated septic.

On the application of **CLEA LLC**, 145 Lee Avenue, septic system should be upgraded as a condition of the application approval.

On the application of **GREENBLATT TRUST 2015**, 1990 Meadow Lane, C. Voorhis stated that they had previously permitted the last site plan and the current is even better with 1200 square feet of new plantings. C. Voorhis will have a permit prepared.

On the application of **35 WYANDANCH LLC**, 35 Wyandanch Lane, there is a sliver of relief that they need for a master bath, it's a very small request for relief. The objections were that everybody must follow the code, very general objections nothing particular to the request.

On the application of **472 FIRST NECK LANE LLC**, 472 First Neck Lane, Mark Greenwald asked about the GFA, seems it is increasing in the wetlands jurisdiction. C. Voorhis stated from a wetlands perspective it is more in the wetlands, however, he doesn't feel that there is a direct impact to the wetlands. There are many site plan improvements to this application including improved septic. Counsel Bruyn noted that for storm water run-off, single story or two-story makes no real difference.

PENDING CASES

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, present for the applicant was David Gilmartin. They had to readvertise because the relief changed. They received a letter from Twomey, Latham, Shea and Kelly, Counsel for Whitefield, their concern was for screening the pool and pool house for noise. In response to that letter, they shifted 6 units a bit to give them the requested screening. David Gilmartin stated it is a brand-new change, so their counsel has not seen it, they feel it will satisfy their concerns.

Chair brought up the Terry cottage, David Gilmartin stated it was used as overflow from the Irving. In litigation, regarding the White's, the facts show non-compliance. Chair asked how that helps his case. The use was overflow but they swore that it was for family use. He stated their depositions were cleverly written and he said it was not clear. The current CO for the Terry Cottage is single family dwelling. D. Gilmartin stated that the 67 units is the number they are using, but they were entitled to 37 units. The Village and the White's had long standing litigation over this fact. It is 67 units, but it is 87 bedrooms. Counsel Bruyn asked what the basis was for the 37; he stated that it was felt that was more beneficial to the neighborhood is the determinant for relief. Chair stated that he felt that 37 should be the base, not the 67. D. Gilmartin stated what they are proposing or what they are requesting is the change to something more beneficial to the neighborhood. This was a large part of the SEQRA determination. It is overwhelmingly better than the existing use. Chair asked how many houses could be built there, it was noted 8 houses in a subdivision. So, about 24,000 square feet total GFA based on current zoning.

It is a pre-existing non-conforming use; they want to exchange one use for the other. Chair stated the Board tries to eliminate pre-existing non-conforming use.

D. Gilmartin noted that they shifted 6 units over to make it less dense on the Whitefield end. He was not sure if they would meet with counsel for the Whitefield before the next meeting. They need their input though. Counsel noted the current proposed is denser than Whitefield. It is unique in that it is R20 between two commercially built parcels.

Counsel Bruyn stated that the topics raised by the Board will be brought up at the meeting and he may need to be prepared to answer to the concerns. Mark Greenwald said they would like to see a complying site plan. However, D. Gilmartin stated that they are two years into a planning process which included the Planning Board where SEQRA was involved.

On the application of **MORGAN SHARA**, 38 Harvest Lane, Counsel reviewed that the applicant did not advertise properly the first time. The person that appeared at the last meeting submitted the affidavits of mailing and posting but asked for an adjournment, it was granted but they were told to be prepared to present at the next meeting. It was noted that increased GFA relief is not usually favorable. It appears they want to bring bedrooms up from the basement to the second floor, however, the application is not specific, and the file contains very little.

NEW CASES

On the application of **SCHAPPELL & ANDERSON**, 465 Hill Street, it is a right-of-way with three front yards that is on the north side and not visible from Hill Street. There are requesting a front yard variance for a small garage. Chair thought they had one on the property. It was noted that they did not currently have one. The proposed garage will not be visible from the street.

J. Zuhusky asked if a right-of-way was considered the same as a street. Chair Bruyn stated that he believed so. The Board members felt that the application was not requesting huge relief. Linda Riley is representing the applicant. Chair asked to see the advertisement for review.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk