

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
FEBRUARY 22, 2018
PUBLIC HEARING**

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 Thursday, February 22, 2018 at 6:00 p.m.

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

Counsel for the Board Elbert W. Robinson was present. Environmental Planning Consultant Chic Voorhis was absent.

Chair Guidera opened the meeting.

PENDING DECISIONS

On the application of **MITCHELL FAMILY REAL ESTATE LP**, 180 Great Plains Road, the written decision was accepted.

Motion by D. Guzewicz, seconded by J. Zuhusky

To accept the written decision as prepared by Counsel on the application of MITCHELL FAMILY REAL ESTATE LP.

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

On the application of **CLEA LLC**, 145 Lee avenue, the written decision was accepted.

Motion by D. Guzewicz, seconded by J. Zuhusky

To accept the written decision as prepared by Counsel on the application of CLEA LLC.

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

On the application of **GREENBLATT TRUST 2015**, 1990 Meadow Lane, the written decision was accepted.

Motion by D. Guzewicz, seconded by J. Zuhusky

To accept the written decision as prepared by Counsel on the application of GREENBLATT TRUST 2015.

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

Recused: M. Greenwald

On the application of **35 WYANDANCH LLC**, 35 Wyandanch Lane, the written decision was accepted.

Motion by D. Guzewicz, seconded by J. Zuhusky

To accept the written decision as prepared by Counsel on the application of 35 WYANDANCH LLC.

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

On the application of **472 FIRST NECK LANE LLC**, 472 First Neck Lane, the written decision was accepted.

Motion by D. Guzewicz, seconded by J. Zuhusky

To accept the written decision as prepared by Counsel on the application of 472 FIRST NECK LANE LLC.

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

PENDING CASES

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, the applicant submitted a letter to request adjournment.

Motion by Daniel Guzewicz, seconded by James Zuhusky

To accept the applicant's request for adjournment on the application of BEECHWOOD LATCH LLC.

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

On the application of **MORGAN SHARA**, 38 Harvest Lane, the applicant submitted a letter withdrawing the application.

Motion by D. Guzewicz, seconded by J. Zuhusky

To approve the applicant's request to withdraw the application on MORGAN SHARA.

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

NEW CASES

On the application of **SCHAPPELL & ANDERSON**, 465 Hill Street, present for the applicant was Linda Riley. R. Devinney was present for this application. Affidavits of mailing and posting were submitted. This parcel is pre-existing, non-conforming in the R40 zone. This requested garage is a one car garage of 265 square feet. There is a private right of way that snakes around the property on two sides. It serves as access to two other property owners. Request is permission to place it in what is considered a front yard, this is behind the house but for a few inches. It meets the setbacks on the property, but it will be in what is considered to be a front yard because of the right of way. It mirrors a structure on the back side of the house that is part of the house but was formerly a summer kitchen, it will not exceed the height of that part of the house. The house is historic, and the garage will fit in with the existing architecture. Brian Brady is the architect for the garage. The proposed garage will be 40.9' and the house is 44.1' from the setback. It is a 3' difference. It will be for one motor vehicle. The property is heavily screened, the driveway is proposed to come out from the existing gate. She notes it will not be visible from Hill Street. A variance was necessary because of the three-front yard status of the parcel. The garage cannot conform in any other location. There are no environmental impacts to this garage.

John Pine, owner of 449 Hill Street, neighbor to the East was present. The request for the garage has been on going for several years. Schappell and Anderson approached them and asked that they have cooperation for the garage. They said on one condition; that they don't need a variance. The right of way has become congested because of the construction of a new house at the end of the right of way. Schappell and Anderson purchased the Missett studio and plan to turn it into a carriage house with four bedrooms with five parking spaces. They would like to put two spaces quite close to their house and in the right of way. They argued it before the ARB.

Now it looks that the garage needs a variance. They would like to support the variance but with stipulations that the garage cannot be attached, no running water and no higher than the summer kitchen that was turned into part of the main house. Also, that the two parking spaces that are on the

right of way be disallowed. They support a single car garage but for nothing outside of that purpose or size. The right of way has many parking spaces which he feels is congested.

Linda Riley noted that the right of way is owned by what was formerly owned by Missett. A lawsuit was settled that 465 Hill Street cannot park on the right of way. They have a parking area on the front on Hill Street. Chair Guidera asked who uses the two spots in the right of way. L. Riley stated that some statements are erroneous, Barbara Missett never proposed a garage on this property. Chair stated it is confusing, because there are four properties on this right of way. The back two lots were subdivided. It was clarified that the owners of the right of way are her clients and the parking spots would be for their property.

Tom Anderson, the owner of this property, noted that they own the front house. All three properties behind were out buildings and it was subdivided. One was a studio and one barn. They bought the front property and they had use of the right of way. The three properties behind had parking behind on their property, they notified the neighbors that they had to develop their own parking off their property. They had three cars stolen from the front, so they went before the Zoning Board for a garage, this was fifteen years ago. The Board requested that they not do the two garages they had requested, but instead they do one. They withdrew that application for personal reasons. All the properties behind have been built up. Mrs. Missett died, and her studio went on the market. They bought the house even though they really weren't interested in purchasing another property; they agreed to a purchase so that it wouldn't be developed. It has four bedrooms and the parking is at the front and back where Mrs. Missett used to park. Mr. Anderson noted he has a good relationship with Mr. Pine and they have no intention in doing any other than requested.

Mr. Pine is troubled by the parking by the cut of the driveway and the turn in the right of way. Brian Brady is the architect for the property. The survey that is presented by Squires and Holden showed the two spaces they originally had requested. Brian Brady stated that John Foster wanted to see how the parking worked with fire trucks going through, so they brought firetrucks to go through on the property with all cars in the sited spaces. Subsequently, they decided to allow one space on the right of way in the corner that does not hinder access on the right of way, there is an updated survey which shows that change. He noted his client owns the right of way. The three spaces shown will not be on the survey, it will be a single space on the right of way used for parking. It will be one space at the first curve of the driveway.

Counsel asked if Mr. Pine had a problem with the request now that it has been heard. He stated he is okay, but with his conditions. Counsel stated it will not be possible for all his conditions to be written into the decision. Things like "no running water" would be covenanted by the Town and not by the Board.

Motion by D. Guzewicz, seconded by J. Zuhusky

To close for written decision on the application of SCHAPPELL AND ANDERSON.

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

Motion by D. Guzewicz, seconded by J. Zuhusky

To close the meeting.

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

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk