

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
FEBRUARY 28, 2019
PUBLIC HEARING**

Due notice having been given, the public hearing 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 28, 2019 at 6:00 p.m.

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

Counsel for the Board Wayne Bruyn and Elbert W. Robinson, Jr. were present. Environmental Planning Consultant Chic Voorhis was present.

Chair Devinney opened the meeting.

ADJOURNMENTS

On the application of **AKIVA GOLDSMAN SEPARATE PROPERTY TRUST**, 1431 Meadow Lane, letter was received requesting adjournment to the March 28, 2019 public hearing.

MOTION by K. Guidera, seconded by J. Zuhusky

To approve the applicants request for adjournment on the application of AKIVA GOLDSMAN SEPARATE PROPERTY TRUST.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

On the application of **REDCRAFT LLC**, 420 Ox Pasture Road, a letter was received requesting adjournment to the March 28, 2019 public hearing.

MOTION by K. Guidera, seconded by J. Zuhusky

To approve the applicants request for adjournment on the application of REDCRAFT LLC.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

PENDING DECISIONS

On the application of **ZERO SQUABBLE LLC**, 0 Squabble Lane, there is a written decision in the file.

MOTION by K. Guidera, seconded M. Greenwald

To approve the written decision on the application of ZERO SQUABBLE LLC.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

On the application of **ANTHONY ALBANESE**, 64 Armande Street, there is no written decision in the file. There will be a decision for the next public hearing.

PENDING CASES

On the application of **MCDONALD'S USA LLC**, 307 North Sea Road, present for the applicant was Andrew Stoecker. He submitted revised site plans, a revised traffic report responding to comments from NPV that reflect the left turn egress. At the last meeting there were comments regarding concern about pedestrians crossing in front of the pay window lane. In response to those concerns, striping and a stop bar in front of the pay window have been added, as well as, a fence to direct pedestrians to the crosswalk. Those are the only carry over comments that needed to be addressed. The NPV comments were received today and they are prepared to respond to those via the Planning Board, that hearing is recommended for April.

Chair asked regarding the semi-truck drivers that deliver, they seem to park on North Sea Road. It was noted that there is parking in back. Counsel asked if they had chance to review the NPV comments received today. Just briefly, however, they would fully address them at the Planning Board level. Those comments are more technical, site plan issues.

C. Voorhis noted the comments seem to be addressed in the revised traffic report. This change will speed up the drive thru but not necessarily increase the customers, Chair feels it may increase the customers. Chair asked about the litter signs in English and Spanish. A. Stoecker noted that they were added to the site plan.

MOTION by K. Guidera, seconded by M. Greenwald

To close for written decision pending written comments on MCDONALD'S USA LLC. Comments are due by the next work session on March 19, 2019.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

On the application of **JAMES GLEASON**, 128 Halsey Street, Gil Flanagan was present for the applicant. This application was closed for written decision, but there was concern over the pool size and setbacks. They have since modified the plans twice and reduced the size of the pool. The pool has been reduced to 10'x28.5'. It is important to note that 58% is in a conforming location. They believe they have addressed the concerns that the Board and neighbors had. The setbacks are now 7' around the pool. Chair asked about the entrance opening up into the 7' area; it takes a right angle so is not an issue.

MOTION by K. Guidera, seconded by M. Greenwald

To close for written decision on the application of JAMES GLEASON.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

NEW CASES

Wayne Bruyn is recused from the next two applications. Elbert W. Robinson, Jr. sat as Counsel for these two applications.

On the application of **PHILIP EDWARDS**, 86 Pine Street, W. Bruyn and J. Zuhusky are recused on this application. Present for the applicant was Gil Flanagan. Affidavits of mailing and posting were submitted. There is a condition on this property that it is zoned as a retail shop and abandonment may be an issue; it makes sense to get more information from the seller on this. G. Flanagan is requesting adjournment on this application.

Jim McFarland, owns a property adjacent to 86 Pine Street, the building hasn't been a retail business for at least 10 or possibly 20 years. He believes it is not a retail shop.

MOTION by K. Guidera, seconded by M. Greenwald

To approve the applicants request for adjournment for all purposes on the application of PHILIP EDWARDS.

On Vote: Chair Devinney, M. Greenwald and K. Guidera

Recused: J. Zuhusky

PENDING CASES

On the application of **SPUR**, 630 Hampton Road, present for the applicant was David Gilmartin, Jr. Wayne Bruyn is recused from this application. They have a site plan into the Planning Board, as well as an EIF filed with them, they request that they coordinate the ZBA and Planning Board under SEQRA. They are asking to pass an oral resolution to have Planning Board as lead agency in the SEQRA process. The property has been the subject of a misleading newspaper article. He has the founder of SPUR with him to discuss what the property use will be as well as address the article.

John Heather Ashley, founder, noted that the space is co-working space. They work together on big open tables and it is more cost effective and has a social element. There will be a restaraunt and wellness space. There are many of these types of member co-working spaces in metro areas and this is a nice addition to our area, it is the first of its kind on the East End. Chair asked is there a liquor license, J. Ashley responded that there is. Chair asked about a roof top terrace use. There is a roof terrace as part of the plan. K. Guidera asked if the restaurant use was member only. J. Ashley stated that it may not open totally to public, but from a Planning point of view they are open to public. There are no issues with rent, he met with Bruce Lewin, the owner of the property, and they are fully up to date on all lease payments. The current location in the MacLachlan building is too small and temporary. They have approximately 150 members currently.

D. Gilmartin talked about returning to this Board in late May when further through the SEQRA process with the Planning Board. C. Voorhis stated the Planning Board would usually send a letter that would request the coordination of the ZBA and Planning Board in SEQRA with the Planning Board being the lead agency.

D. Gilmartin expected to schedule public hearing for April Planning Board, there are limited issues with SEQRA mostly pertaining to traffic. He is here preemptively to request this resolution to move the process but will issue a formal letter requesting the Planning Board as lead agency. They submitted a letter from the traffic engineer in the file, and this is a sense resolution that would allow the Planning Board to get started. They must make request to have the Planning Board assume lead agency.

Counsel Robinson stated that the resolution would be that ZBA has no objection to the Planning Board be assuming lead agency under SEQRA and the planning board.

MOTION by K. Guidera, seconded by M. Greenwald.

The Zoning Board resolves that they have no objection to the Planning Board assuming lead agency under SEQRA on the application of SPUR.

On Vote: Chair Devinney, M. Greenwald, K, Guidera and J. Zuhusky

Motion by K. Guidera, seconded by M. Greenwald

To adjourn for all purposes on the application of SPUR.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

Wayne Bruyn returned as counsel for the rest of the hearing.

On the application of **JOHN DANIELSON**, 30 Sanford Place, present for the applicant was himself. He has the location of the septic system as requested by the Board, they would still like to place the septic in the driveway. Counsel asked him to summarize his request because it is not clear to the Board. His request that there be no parking in the backyard as they determined that they only need three spaces. The driveway accommodates the customers. He is proposing three parking spaces in the driveway to accommodate his needs and the needs of his tenant.

Counsel stated that the existing two-family dwelling, has dwelling on the second floor which is used by Mr. Danielson. There is an acupuncturist on the first floor, and he is trying to make it legal. The medical office is occupying the first floor; however, he doesn't know the zoning for the medical office. Chair Devinney has a question regarding the C of O which is for a two-family residence. Mr. Danielson wants a variance from two-family residence, with first floor converting from second residence to office space. They are converting 1400 square feet, that would require a total of 10 spaces for that size office for code compliance. Counsel stated that the legal test is that they show compliance to the code.

J. Danielson stated that he wants a yard, J. Zuhusky stated that they don't deal with their desire today, it must go to how the property will be utilized presently and in the future. He could easily interchange occupants and their use. The issue is that for the intended use, there is not adequate parking under the code. It is a difficulty to overcome.

Counsel suggested hiring an attorney, architect or engineer to help him with his request. He could accommodate the parking in the back. J. Zuhusky stated that they have may have other issues, perhaps zoning buffer, screening or fencing. J. Danielson stated that he will have to hire someone to assist him. Counsel stated the Planning Board had similar issues. Chair Devinney asked if the plan addresses relocation of the septic; he stated that it does not, but they prefer the driveway location. Chair stated they have a problem with the parking regulations, he asked if they consider parking pavement that grass grows through as a possible option to his desire for green law but still accommodate parking. Counsel noted that this Board deals with the future use. The thought is that maybe there is a different specification for a solution for the parking. Counsel asked how much time he needs because they would like to hear from him by the next work session. J. Danielson stated that he would probably have something for the next work session. He was advised by counsel they can adjourn it tonight and if he is not ready, he can possibly submit a letter for extension to the next meeting.

Motion by K. Guidera, seconded by M. Greenwald

To adjourn for all purposes on the application of JOHN DANIELSON.

On Vote: Chair Devinney, M. Greenwald, K. Guidera and J. Zuhusky

PENDING DECISIONS

On the application of **ODED NACHMANI**, 1471 Meadow Lane, there is no written decision in the file. C. Voorhis can have a wetland decision prepared for the next meeting based on the submission he received. They removed the rooftop access, there is also a space that looks like it may be habitable

space and would be part of the GFA. The bulkhead is reduced but has not been removed. C. Voorhis talked with the applicant about ladder use on the outside. M. Greenwald thought they were going to eliminate it. They can have a ladder go up to the bulkhead. Counsel says he sees the size of the bulkhead is reduced but cannot understand the second-floor plan that shows access to the roof and solar panels via the walk-in closet. At closer look, it is an access hatch in the walk-in closet and not a staircase. Chair asked is the 3' all right for the bulkhead, the Board doesn't seem to have a problem with the access. C. Voorhis stated that they have enough information to prepare a decision.

Chair Devinney closed the meeting.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk