

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
APRIL 26, 2018
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, April 26, 2018 at 6:00 p.m.

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

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

Chair Guidera opened the meeting.

PENDING DECISIONS

On the application of **SOUTHAMPTON RE PARTNERS LLC**, 95 Down East Lane, C. Voorhis stated there was a handwritten change from the approved plan that was just submitted. It is in line with what was discussed in the last meeting and work session. The change was regarding an existing duck blind location. The new conditions reflect the existing decision from a previous variance.

Motion by R. Devinney, seconded D. Guzewicz

To accept the written decision as prepared by Counsel on the application of SOUTHAMPTON RE PARTNERS LLC.

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

On the application of **784 MEADOW LANE LLC**, 784 Meadow Lane, the written decision was accepted.

Motion by R. Devinney, seconded by D. Guzewicz

To accept the written decision as prepared by Counsel on the application of 784 MEADOW LANE LLC.

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

On the application of **CHRISTOPHER & JEANNE LYNCH**, 58 Rosko Drive, the written decision will be rendered at the May 24, 2018 meeting.

PENDING CASES

On the application of **DINAH MAXWELL SMITH**, 59 Meeting House Lane, present for the applicant was Jeffrey P. Gibbons. Several submissions were requested at the last meeting and he hopes all of those were received and part of the file. Counsel acknowledged receipt. The previous variance was shown, the language in the variance states it should be 25', because it is in the MF zone it is required 50'. The aerial shows that most of the houses are 25-28' from the street. A streetscape was shown to demonstrate the current street conditions. The other request was for a survey of the property, that was presented as well. The neighbor's surveys were also shown that show the distance of the houses from the street. The drawings meet the current GFA limits, it is under by 35 square feet. The elevations were

provided. The board and batten are to be removed and replaced with shingles. A simple front gable is shown with a simple shed roof over the front door. Other neighboring streets were provided to show that the distance from the street is in keeping with the character of the neighborhood, specifically Walnut Street, which is around the corner from Meeting House Lane.

J. Gibbons noted that most people may feel this house looks imposing, however, it does not have a third story even though it appears that way. Further, he stated that there is no access to that attic except a ladder, so it is not livable space. Counsel asked the purpose of the addition. J. Gibbons noted that it is a sunroom, the purpose is to make it look more in keeping with the neighborhood. Counsel commented that he appreciates all the submissions, they are helpful in rendering a decision.

Jim McFarland, an owner of property on the street, feels that the character of the neighborhood is being disturbed by all the variances given on the street. He noted that it is a prominent street. He feels that parking is a problem on the street. He feels that this should not be decided on the talents of the person requesting the variance and he added that the current owners will not be the owners forever. He feels that this house has one parking space and he doesn't feel it is a worthy exception.

J. Gibbons noted that three cars can be parked on the property with the existing driveway configuration. No bedrooms are being added with this addition.

Motion by. R Devinney, seconded by D. Guzewicz

To close for written decision on the application of DINAH MAXWELL SMITH.

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

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, David Gilmartin Jr. was present for the applicant. They met with the Fire Marshall and explained all the proposed conditions and it was a successful. There was a memo that will be provided to the Board by the Fire Marshall to demonstrate their satisfaction with the site plan. They submitted an updated floor plan. The average size of the units dropped by 3% to just over 3,000 square feet. A rendering of the character of the condos was submitted, it will have to go before the ARB but will provide them a sense of the project. A submittal of current screening of the property was provided to show that it will not show from Hill Street. Several letters of support were submitted.

Michael Dubb, the developer, discussed the type of unit that people are looking for and what they desire to live in. The target market is current Village residents who are looking to downsize and have a need for a master bedroom downstairs. He provided a view to the proposed floor plans.

The first floor plan is what is called, ALT 1, it gives a proportion of the sizes of the space. It is a one-car garage unit and is a modern center hall Colonial. There is a kitchen, dining, den all together. The master is on the first floor, this is preferred by their target buyers. There is a formal living room. They put the patios out to the side out of consideration for the Whitefield neighbors. He showed the proposed elevation from behind to address the Board's concerns regarding view from Whitefield.

The second unit, ALT 2, this is a two-car garage unit, again it is a modern center hall Colonial. The master is upstairs on this one because of the two-car garage configuration.

The third unit, ALT 3, is a one-car garage, it is like ALT 1, but with the master upstairs. Those will be the choices. The average size is 3100 square feet. He noted that he conducts focus groups, the results of

those groups show the preferences of potential buyers, they build with that information. Chair asked will they build a mixture of all the units and let people choose? M. Dubb feels the master on the first floor will be the most popular. He noted that younger people will prefer the bedrooms upstairs, it will be a mix of those three plans. Also noted that the unit with one car garage he gives an apron with a separate car space in front of the house, that answers to the concern about parking in the development. He designs them so that the spaces in front do not take away from the aesthetics. He addressed that the view from Hill Street will be the Latch and Terry Cottage primarily. There is no view of this community from Hill Street.

Chair Guidera noted that one problem he feels is that did they consider getting the zoning changed first. D. Gilmartin noted that the mayor at the time was related to George Benedict who owned the property, that presented a conflict and it was recommended to pursue the current route. D. Guzewicz noted that the septic system used by the Latch was acceptable at the time for the use as an inn. He is concerned by 25 septic systems on 4 acres. It is 4 times as many septic systems than what is currently, it seems a lot to him.

D. Gilmartin stated, with due respect to the Board, he feels that they are viewing it wrong. The trap is in the code, the R20 zoning is not going to happen for this parcel. The analysis should be different, it needs to be viewed under the lens of comparable properties. When that is done it is a lot less dense. Both the Enclave and Bishop's Pond had greater density than this application. It doesn't mean it meets current zoning, however, it will be better use than the existing. Changing from one non-conforming use to another is improving the impact. D. Guzewicz asked what the limit to the benefit of the build is up on this parcel. D. Gilmartin stated that the Planning Board in their finding statement, stated that there is no adverse effect from this project. It is less than 20% lot coverage. He stated that it is far better than what the Planning Board deemed beneficial. The setbacks provide a favorable transition. He stated they have reduced further what the PB deemed beneficial. D. Gilmartin noted that the hotel operates illegally currently. Many of the buildings on this property are used illegally because it is only permitted as 32 rooms and it is being operated with 64 beds. The proposed are two more beds than what is existing. The benefit is that they will improve the whole property with more proficient systems to contain run off, protect drinking water and improve the condition of Lake Agawam. The community is passionate about retaining the buildings, this proposal honors that desire. He feels that the year and half with the Planning Board has been exhaustive, they agreed to the IA system, it is better and that was their sticking point. Counsel asked to have a diagram submitted.

Dave Amalada, project engineer, noted the benefits for this project are the drainage systems. It will be a system that contains all the run off. Right now, the run off goes on to the street and into Lake Agawam. This is in line with Village studies that show it will be beneficial. The sanitary systems can discharge 6900 gallons per day. The nitrogen load in Lake Agawam comes from these old sanitation systems.

Counsel Bruyn noted that he would like the buildings noted that are legal and illegal on the plan that was shown.

David Emilitia, land use and consultant, addressed Board member Greenwald's concerns from the last meeting. He compares density parameters to other zoning districts linked to this property. It is clear to him that the R20 zoning is inappropriate considering planning theory and Village documents. He submitted a table that shows a comparison of this property in respect to other developments. He stated that it is a conversion from a non-conforming to a better non-conforming situation. They are trying to

show does the current plan adhere to planning theory, does it conform to current Village developments, does it improve an inappropriate use and replace it with a more appropriate use. He showed how the submittal was set up and how it was to be viewed. He noted the table demonstrates that it is less than the density of a hotel zoning, which it is approved for. There proposed will be less because it is doubtful it would reach the motel unit density, which is 123. It is a movement away from transient use to a permanent residential use, it is a move toward conformity but with R20 being inappropriate zoning. He concluded with the reading of a paragraph which he feels summarizes that it cannot compare with The Irving or Coopers Farm. They are very different properties. He believes this was one of the first multiple family use with individual units for the Village. What resulted was a low-density development for its purpose. At the time it was decided to be a preservative measure for the estate, it would be hard to compare to other recent multiple family approvals. This property is an outlier. It is clear to him that the current zoning is inappropriate and doesn't apply; this must be looked at compared to MF20 and MFPRD, the statement of the Planning Board must be looked at. Finding of a beneficial impact of a more-dense use than current.

Chair Guidera asked about the third column on the first table, he asked about the zoning. It is not the actual units existing. D. Emilitia stated it is not actual. Counsel Bruyn asked about a previous report from 1991 from his company, what was the impediment to the Village Board adopting that. Are there impediments that should make it stay motel zone since that was the original. It would operate at 65 units. He asked was the motel use evaluated. D. Gilmartin noted that it was looked at, the hotel business on this property essentially failed. It was noted from an economic standpoint it was not feasible. Counsel Bruyn noted that the requirements from zoning do not make it feasible. He is not sure if that was analyzed. D. Gilmartin stated it was deemed financially not feasible.

D. Gilmartin noted that it makes sense MFPRD, the Board of Trustees, stated 6 units per acre in medium density. Then the character of the neighborhood of Coopers Farm is 4.3 units per acre, the Irving is similar. That is a good comparison. Without Terry Cottage is it 4.9 units per acre, if you take that out it is 4.3. The new structure or closest to Hill Street is 236' so that is behind the Latch building. The building behind the Terry Cottage is 300', none of what happens behind the Latch and Terry Cottage will be visible. Letters of support from various persons were noted in support, about 5 or 6.

Edward Simioni would like his letter to be read because he was unable to attend. Chair Guidera read:

Members of the Board: I am unable to attend tonight's meeting, but I would like to express my support in allowing the Zoning change from Hotel use to Residential Condominium use at 101 Hill Street. It is no secret that the Village Latch Inn had been struggling for years as a seasonal Hotel Enterprise, whereas it can be successfully reconfigured, with substantial investment, as a Condominium Community; for which there is widespread demand. There are other examples of successful Condominium Communities, such as the one on Cooper's Farm Road, and the one recently developed by Beechwood, Bishops Pond, which I have found to be welcoming and tastefully rendered. This may also be an opportunity for some affordable workforce housing that the Village sorely needs. The Beechwood Organization has a proven record for responsible development that I believe will make the Beechwood Latch a successful and integral part of our community. Signed by Edward S. Simioni.

P. Fife, representing Whitefield Condo, his client still has a problem with the proposed density. The disconnect is the change in use with significant zoning variances needed. It exceeds the density of the current Village developments. There is no consistency with current Village developments. He noted that on their site plan at the back sits 6 units at 38', the setback required is 100'. Much of the density is

in the back area. He has a letter for submission which has exhibits attached. There are letters from Whitefield residents in opposition to the project. He shows the character of the neighborhood does not support these numerous variances. He submitted a photo of Whitefield that shows the patios, they have patios on the front and back. It will be a substantial visual impact. He also included the zoning change history on Whitefield. Whitefield zoning change was allowed because of using R20 zoning limits. He's not suggesting that the application be limited to 6 or 8 units but noted it could be less dense. It will be a 200% increase over what is permitted. It is not 23 small units, when comparing living area calculations for Irving, Coopers Farm and Whitefield. The average of those three is 2,635 square feet, the proposed is 3,100 square feet. He feels that there is a disconnect here, when coupled with density and proposed zoning change. The Planning Board finding statement noted that it was subject to variances requested. That does not handcuff this Board. The density is what is beyond what it legal today. Legally what is allowed is 37 sleeping rooms, that is the baseline, it not 67. They disagree that it is beneficial to the neighborhood. P. Fife renews his request for landscape covenants, if approved, also fencing and side yard patios. He'd like an opportunity to view the submissions from tonight.

R. Devinney, asked was he asked to provide covenants and zoning restrictions. He noted that he has reached out to the Board of the condo but has not heard back. He also asked if on the back of the development the only party affected would be Village property. P. Fife was not certain.

Paul Herman, a Whitefield resident, stated that they appreciate the changes, but they are still concerned with density. He noted that even with 25 homes there is a lot of traffic, he sees the density at the intersection being a problem. He can see a stop light being needed in the future. He speaks as a local neighbor with a home on First Neck as well.

Marilyn Goldberg, lived in the East End for 50 years, she has been a business owner for years. She is living in Southampton for one reason because she loves living in a condo, she resides in Bishops Pond. She has never been happier than living in a condo. She is in full support of the proposed condo development. As a business person, she would like to see this community embrace condos. She feels that it will be good for the business community in the off season and will be more year-round. Chair Guidera noted that aside from Fellingham's there is no one in the restaurants on the weekdays during the off season. She feels that condos will bring in more people.

Franklin Treader, resident of Whitefield, lived here for 37 years. He feels that there is very heavy legal question, if you change from one non-conforming use to another do you have to show hardship? They don't know whether that is a relevant argument or not. His second concern, is that in the Southampton Press, it was noted that the Mayor has called this a classic money grab. He feels that they know very well that there is no showing of hardship. Lastly, he noted that Whitefield is really facing the hardship with this application, the density is four times what is allowed. He notes they are very large units. He noted Bishops Pond, the density there is terrible in his opinion. R. Devinney noted that proving hardship, they struggle with numbers on this Board, they come in with crazy figures. They don't really operate under monetary estimates of hardship, benefit of the community is what they will look at. F. Treader feels it is common sense to view the hardship first.

Mary Slattery, real estate broker, she had the distinction of being the realtor for the Bishops Pond condo units. She noted that in real estate they are trending toward more buyers looking for condo living. People desire condo living that is walkable to the Village. She is in support for that reason, her client base shows there is a need. She feels that a condo is what she will be looking for in the future for

herself. She feels Bishops Pond elevated the area, it encouraged property owners to improve their properties.

D. Gilmartin showed the site plan, he showed the impact on the plan. He showed that it will not be an impact on Whitefield. Second, they are not bringing any hardship to the properties on the back. Third, traffic was proven that it would not be an impact, the traffic engineer proved that conclusively. The Planning Board analyzed these variances, it came out favorably when that was done. He feels it has all been said. Chair Guidera stated he would like less density.

Michael Dubb, the developer, has listened to everything said. He noted that the six units in the back could be turned in to three. The units total will go down to 20. He stated that it is not about hardship but what is the best use for a property. This property is in decay and can be created in to something desirable for the Village. He feels it will benefit the economy, he feels it is highest and best use. He'd like to take the site and bring it back to something attractive for the community. Landscapers will come in once a week, so it will not be individually landscaped, that will relieve the congestion of multiple trades entering the property.

Counsel Bruyn noted that if they want to reduce the number of units they will need to receive the formal submission regarding the change. His recommendation was to adjourn so that it will give the Board opportunity to view the submissions received tonight. A revised site plan was requested.

Motion by R. Devinney, seconded by D. Guzewicz

To adjourn for all purposes on the application of BEECHWOOD LATCH, LLC.

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

NEW CASES

On the application of **FHW LIMITED PARTNERSHIP**, 111, 137, 153 Pond Lane, present for the applicant was Gil Flanagan. Affidavits of mailing and posting were submitted. This application is a request to conduct certain landscape to the property in the affected Wetlands buffer. It will better for the environment. What is involved is removing dangerous and invasive species, removal of dead and diseased trees and plantings and proposed is use of Wetland compatible native species. His client is in attendance. Counsel Bruyn asked if this application was part of the Planning Board granting the subdivision. Gil Flanagan stated that it was.

Tim Rumph, the landscape architect, was present. He submitted an overview of the technical plans. He put together a list of benefits for the project. This work will be done on the subdivision. There is historical information about the property contained in the submission, originally it was a farm. Back in the mid to late 70's, 137 Pond was built, more recently the subdivision was created. The existing conditions are included and shows the sight line modification by the Planning Board. The location by potential curb cuts with that subdivision are shown. They prepared an arborist report that shows the tagged and identified trees in the 125' buffer. He noted additional pictures of the lack of quality of the vegetation in the area. Also shown, was the proposed vegetation, specifically, they are proposing a rain garden that can protect Lake Agawam from run off. There are some decaying brick retaining walls that were to be removed as part of the approval for the subdivision. The last page further explains the rain garden by a side section view. They have conducted a test hole, so they know where the water level sits. That is an overview of the request.

D. Guzewicz asked if the three different properties all owned by the same individual, if so, what happens on the sale. He stated that the Village would take over maintenance once it is finished. D. Guzewicz stated that the right of way is substantial. His concern is that the work is done and then maintenance would not be done. G. Flanagan has the feeling that the owners will want to maintain their view.

M. Greenwald asked about page 6, is all that section of planting in the right of way. T. Rumph said that is the landward edge of Pond Lane and the property line. That was the area that was viable for the rain garden. That is on the Village property, not by the property owner. It was suggested that they make this rain garden as part of the proposal. The Board asked about liability issues. Counsel asked has there been conversation with Public Works regarding this? It is a proposal to the Village Board and the ZBA. D. Guzewicz stated that it could be a liability issue for work done on Village property. T. Rumph stated that they felt they should start here with this Board but there are still steps that they need to take. They need to deal with the ARB, Trustees, etc.

G. Flanagan stated that there is precedent for this type of project. He stated there are other areas in the Village, specifically the brick wall by the Beach club that is partially on Village property and they worked out an agreement to conduct work and have maintenance by the Village; that would have to be agreed to by the Village.

C. Voorhis stated that they met in the field and that drainage could be improved. There are a number of invasives in this 125' buffer. He feels comfortable but needs Gary Golesky to weigh in on the project. He needs an accurate wetland line, at the time of the subdivision it was done but it needs to be part of the file. Also, he stated the need for test hole location, it was done but it is not on the plan. The location was pointed out by T. Rumph to C. Voorhis. He stated it is on the presentation plan. He will make sure that it gets put on the site plan. He asked are they changing the soil profile, he stated it looks like loam. Rain gardens need to absorb an inch per hour, it must drain properly. D. Guzewicz asked about a French drain under it. C. Voorhis explained that it will absorb or retain with proper drainage soil. T. Rumph stated that compost will be used to facilitate the drainage of the water. It needs wet feet, so those roots will give infiltration. Specs for plants and soils are on the plans. C. Voorhis stated they may need sand, T. Rumph stated it is a mix that will work well.

T. Rumph showed the existing house lot and the proposed rain garden, he showed the slope of the property is ideal for a rain garden. The elevation of the road is 8' and the bottom is 6'. He showed that the sight line on the map was to drain the portion of the site into the rain garden. It will be able to enter the rain garden by the grading. D. Guzewicz asked about what species will mitigate the runoff. The planting goes beyond or retains the existing according to C. Voorhis. T. Rumph asked to the Board to go to page 6 of the rain garden, it shows the species with sizes and quantities. They have been working with C. Voorhis to make sure what they plant can survive. This rain garden will do a better job than what is there now. C. Voorhis stated that water will enter it by over land flow. He doesn't see boundaries on the plan and asked that those be added. He also stated they need cubic yards on removal. He thinks once they reach out to super of public works, he needs to discuss how snow removal will be conducted so they understand how to plow that area to protect.

T. Rumph asked that C. Voorhis be available at the Public Works meeting because of past experience.

M. Greenwald asked about rain garden maintenance. C. Voorhis asked about notes for invasive species management.

T. Rumph showed the planting soil and species specs. He also showed a diagram of RP1, removals plan, there are various identified plants that they have various treatments for based on the curb cuts, etc. It is all on the plans. There is a lot going on in this plan, there is a lot to consider.

Counsel stated there is a need to have the applicant have a conversation with Public Works, also answer to all Chic's concerns and maintenance issues.

Bill Pell, Town Trustee, stated that he likes projects like this. These projects help support the Lake. The plants need to be larger, so it is more efficient. The other side of the street planting would help as well. These rain gardens are very successful.

Motion by R. Devinney, seconded by D. Guzewicz

To adjourn for all purposes on the application of FHW LIMITED PARTNERSHIP.

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

On the application of **SHESHIN LLC**, 1360 Meadow Lane, present for the applicant was Lisa Poyer from InterScience. Affidavits of mailing and posting were submitted. This application is for a proposed sanitary system, it will be a IA system for an existing house, pool and pool house. The sanitary system must be located at 157' from Wetlands where 200' are needed. The leeching galleys will be 176'. The existing is less than 200' and is an old cesspool.

If they went with a traditional system, it would encroach more into the Wetlands. The AI system will be 19% nitrogen so considerably less than a standard system. C. Voorhis noted that it is very relevant that an IA system is an improvement and protection. He asked if the existing wetlands were on the neighboring property, he remembers flagging those in the past. He would like to get on that property to flag them. L. Poyer stated that yes there were Wetlands on the neighboring property. He feels it is beneficial and would like to move it forward. Counsel stated that they can choose to close subject to written submissions requested by C. Voorhis.

Motion by R. Devinney, seconded by D. Guzewicz

To close for written decision subject to written submission to C. Voorhis on the application of SHESHIN LLC.

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

On the application of **VILLAGE OF SOUTHAMPTON**, Gin Lane project, present for the applicant was Melissa Dedovich. She began that she is here on the behalf of the Village, it is an area overtaken by Phragmites and Japanese Knot Weed. She was approached by clients regarding concerns in the original plan, they met with C. Voorhis and the Mayor. She recommended bringing in Ed Hollander. The objective of their plan was to come up with something to protect Lake Agawam, place shade trees in the area to maintain the temperature of the water. The comprehensive management plan recommends removal of invasive species. They prepared a plan to revise in accordance with comments during the work session. They were asked to remove some trees, that was done, they removed 6 of the trees. Irrigation will be provided by 32 Gin Lane; the neighbors are offering to shoot water under Gin Lane to provide irrigation into the Wetlands. Whatever additional plantings have substantial buffer. The additional planting and irrigation will be paid for by the neighbors. Japanese Knot weed has two large areas, they have a maintenance and removal strategy. Counsel Bruyn asked which plan is most current, they noted that the Board should look at the submission dated April 24th.

Ed Hollander stated that basically they want to establish a native plant barrier where invasives are currently. They will revegetate and maintain. They will hand cut the Phragmites and wick the Japanese Knot Weed; if Japanese Knot Weed is remaining they will remove that. There will plant a buffer, remove invasive species and maintain for three years, neighbors will pay for most of it. The streetscape shows the current conditions and the proposed. There are 4 views of current and renderings of the proposed. Larger plants are better than smaller to facilitate the revegetation. Chair Guidera asked if planting will be done at same time of removal. Ed Hollander said that they will take away root systems of invasive species at the same time as planting. D. Guzewicz asked about fill, it was answered that they don't feel they will need it.

C. Voorhis stated they discussed this at the work session. He believes they were responsive to the comments. They reviewed the existing locations of knotweed and Phragmites. They removed some of the shrubs as requested. They will be removing root mass while planting, however, he still has concerns about invasives coming up, they are hard to get rid of. He's not sure if that should slow down the process on this application. It will be maintained through 2020. He feels that their clients want it to be successful and it will work if there is careful hand management of the plantings. He agrees with the comments regarding the need for the buffer. He knows that the Village Board took this up at the last meeting, they will have to weigh in on that meeting. D. Guzewicz asked about the 3-year maintenance, he asked what if there is die off, will they revegetate. The contractor will guarantee the plants, they will be replaced if there is die off. They want to do the best they can come up with in uncharted territory. There may be a little bit of phragmites and knot weed that will need attention after the initial wicking and cutting. Ed Hollander also noted that time is of the essence for this planting season, now is the ideal time for this work to be done.

M. Dedovich stated that replacement is part of the plan. D. Guzewicz asked if it has been done, they stated that they have done it at Meadowmere, and other locations and very successfully. M. Dedovich submitted letters of support, Patricia Mendozzi, Martha McClanahan and others.

Bill Pell, Town Trustee, stated that they support this application. He feels it is a win-win proposition.

Counsel stated that Village Trustees have all the documents and a presentation was given. The Village Board supports the concept; however, they have a concern regarding why the view shed plants were prepared. They went through aerial photos, they received prior visual access to the lake. They desire higher vision over the Lake. They did say that they have portions to a view shed to the lake. Ed Hollander, stated there are varying sizes of shrubs. It won't be a wall or a hedge, typically, they try to balance the ecological help of the pond without creating a wall of shrubbery. It's all herbaceous, no shrubs in the area. Chair Guidera asked will it be screened from view, it was answered that there will be views as they walk by. There will be seasonality, it will increase the beauty and be better for the pond. C. Voorhis stated that the Board is party to the application and they need to be responsive to those comments. C. Voorhis stated they can ask for alternative planting options. D. Guzewicz stated that once the phragmites are under control, possibly it can open a view in the future.

Counsel suggested that in the rendering they show the water view, that is the problem the Board of Trustees had. Ed Hollander stated that there are limitations with a rendering but that he can present a rendering that shows the view with water. D. Guzewicz stated that they can approve a permit and let them deal with the Board. C. Voorhis stated that it will be consistent with what is shown on the plans. Concrete debris will be removed as they encounter it.

Counsel stated that if the Board is inclined, they can adopt a resolution prior to it being in writing, subject to a revision of the renderings to meet the comments of the Trustees. C. Voorhis stated they are trusting them to work out the details. It is contingent on resolution of Village Board of Trustees.

Motion by R. Devinney, seconded by D. Guzewicz

To approve a Wetlands permit subject to a revision of the renderings to meet the comments of the Board of Trustees on the application of VILLAGE OF SOUTHAMPTON.

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

Motion by R. Devinney, seconded by D. Guzewicz

To close the meeting.

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

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk