

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
MAY 15, 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, May 15, 2018 at 6:00 p.m.

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

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

PENDING DECISIONS

On the application of **CHRISTOPHER & JEANNE LYNCH**, 58 Rosko Drive, Counsel Wayne Bruyn is recused from this application. Counsel Elbert W. Robinson advised to proceed into executive session regarding this application. There will not be a decision next week on this application.

MOTION by Rob Devinney, seconded by Daniel Guzewicz

To proceed into executive session on the application of CHRISTOPHER & JEANNE LYNCH.

On Vote: Chair Guidera, Rob Devinney, Daniel Guzewicz and Mark Greenwald

Executive session ended, and the Board returned to regular session in the Board Room.

On the application of **DINAH MAXWELL SMITH**, 59 Meetinghouse Lane, Counsel Bruyn stated that the information requested is in the file, all the requested materials were provided. He pointed out that the zoning map was MF20 for all the surrounding streets. It is an odd pocket of zoning, it is in the MF20. The imposition of the MF20 setbacks are a problem for this whole area. The setbacks requests are consistent with what has been granted in the past.

On the application of **SHESHIN LLC**, 1360 Meadow Lane, Chic Voorhis stated that they wanted the current setbacks to the sanitary system; they were fine with the request but did need the sanitation setback marked on the plan. The new system is geothermal and it is a structure. It should be acknowledged that it is geo thermal on the site plan. Chic Voorhis stated that he is fine with the details and can have a written permit for this application ready for the next meeting.

PENDING CASES

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, Chic Voorhis is recused from this application. Counsel Bruyn stated that the applicant has offered to take three buildings off that back section. A new plan was submitted today, they also submitted new tables reflecting the reduction in units and change in septic requirements. The change cuts the number of cars down substantially. D. Guzewicz stated that he hasn't had a problem with any of his condominium units that are near his home so this development he feels will be a good neighbor.

Mark Greenwald stated that the zoning is a problem. The current GFA request is for double the allowable. He stated that he has a problem with the density. He feels that it is a substantial variance. Counsel Bruyn stated they are asking for a change from one non-conforming use to another non-conforming use. It is really a matter of how the change in use benefits the Village and neighborhood.

M. Greenwald stated that the Village right now is trying to reduce GFA. Rob Devinney stated that the new GFA has to do with single family homes, this is a condo situation. Mark Greenwald feels that because it is a substantial variance it needs to be carefully considered. Counsel Bruyn stated that the new information submitted, which contains the R20 requirements, shows that under the R20 it would be 68,000 floor area. If it was MF20 they would be allowed 25,000 square feet for the whole property. Chair stated that they could have 8 or 9 houses which is equivalent to what they have now. Chair asked can they get 8 lots out of it? Even with rezoning they would have to ask for a variance of over 30,000 square feet. Daniel Guzewicz feels like there is a need for this type of housing, but the question is do they need to be 3000 square foot condos, at 2500 square feet it would be less of a request. They reduced GFA by 7000 square feet. Mark Greenwald stated these are essentially houses. Chair Guidera stated that it will most likely be summer residency. Daniel Guzewicz stated if they are asking for a reduction then what will be acceptable. Chair Guidera is leaning to reducing number of units.

Counsel Bruyn stated that the comparable condo developments were before the current GFA restrictions. Mark Greenwald stated that GFA is the new concern and it should apply to this development. The Board feels that it should be re-zoned, the process that they have chosen makes it harder for them. Mark Greenwald stated that one of the questions of their counsel stated was is it a substantial variance, he stated that it is. The use would be the change to a beneficial use, that should be the criteria. Counsel stated he can go back and look at the decision for Bishop's Pond, that would be a precedent they could use in helping them decide.

Counsel stated all the factors must be looked at: the change from one non-conforming use to another, the overall GFA must be considered, also to be considered is commercial use, traffic, and most bedrooms are transient guest. Looking at Bishop's Pond would be helpful. Mark Greenwald asked if anyone is bothered by what is currently there, do the conditions that currently exist on the site prove to be a problem. Counsel stated that it is not as simple as that, it must be more beneficial use considered. Rob Devinney stated it would be a nice tax base once it is developed. There is not one overriding factor that makes it an easy decision. The elements that are combined may end up with a better situation. Rob Devinney noted GFA restrictions were changed to improve the aesthetics of the Village; this may be an exception to the GFA restriction because it is private and not seen from the road.

Daniel Guzewicz stated that a case could be made that Bishop's Pond were 2900 square feet and a bigger parcel. This is smaller parcel and larger condos, they are 3000+ square feet. Daniel Guzewicz stated that you are never going to see these from Hill Street. Mark Greenwald stated that they should come in well below then what would be allowed with rezoning. The Board talked about possibly coming in with around 40,000 to 50,000 GFA. They need to look at the consistency of this project with other existing developments; those were not subject to the GFA restrictions; however, it is a consideration with compatibility, character and consistency. There is a variety of questions for next Thursday.

Chair stated that if they remove another three units and shift everything back then it will be more conforming to the setbacks. Rob Devinney stated that with a reduction of those three units it will make it less congested. That would make it 53,000 GFA, possibly more acceptable. Counsel stated maybe the clubhouse could be moved to the back, it is less of a burden residentially. Mark Greenwald asked should

they give them a target on square footage. The Board wants to see what they return with, they will have something to present at the next meeting. Counsel also noted that they can put a stipulation that they have 10% affordable housing. That means it will have to be either on site, another location in the Village or they must pay a fee into the Affordable Housing fund.

On the application of **FHW LIMITED PARTNERSHIP**, 111, 137, 153 Pond Lane, Chic Voorhis stated that they were generally in agreement with what was presented by Tim Rumph, they asked that he meet with Gary Zaleski, that has been done and it was favorable. There is a meeting on Thursday with Tim Rumph and the Mayor and they will make a presentation to the Village BOT next Tuesday. As a result of that meeting, they will present those changes that night. The question will they be able to give the wetlands permit after that presentation. The Board feels that it is a good thing. Chic Voorhis noted that Gary was looking for a 10' strip between the rain garden and the asphalt. Chic Voorhis feels that may be a little much so he will have a conversation with him. It compresses everything, if Gary can be satisfied with 6' it would make it much easier. Chic Voorhis will follow up with Gary. The Village is relying on this Board's decisions, but it does have to go before the BOT.

NEW CASES

There are no new cases for this month.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk