

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
MAY 24, 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, May 24, 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 Elbert W. Robinson was present. Counsel Wayne Bruyn was late but present for part of the Beechwood Latch application. Environmental Planning Consultant Chic Voorhis was present.

Chair Guidera opened the meeting.

PENDING DECISIONS

On the application of **DINAH MAXWELL SMITH**, 59 Meeting House Lane, the decision was accepted.

Motion by R. Devinney, seconded by D. Guzewicz

To accept the written decision as proposed on the application of DINAH MAXWELL SMITH.

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

On the application of **SHESHIN LLC**, 1360 Meadow Lane, the written decision was accepted.

Motion by R. Devinney, seconded by D. Guzewicz

To accept the written decision as proposed on the application of SHESHIN LLC.

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

The Board met in Executive Session on the application of **DPB SOUTHAMPTON LLC**, 70 South Hill Street. Counsel Bruyn is recused from this application. Counsel Elbert W. Robinson is sitting for this Executive Session.

The Board is back in session.

Motion by R. Devinney, seconded by D. Guzewicz

To reopen the application of DPB SOUTHAMPTON LLC.

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

Motion by R. Devinney, seconded by D. Guzewicz

To accept a proposal by attorney on the application of DPB SOUTHAMPTON LLC with stipulations that will allow Counsel and Chairman to act upon.

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

PENDING CASES

Motion by R. Devinney, seconded by D. Guzewicz

To reopen the application of CHRISTOPHER AND JEANNE LYNCH.

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

On the application of **CHRISTOPHER AND JEANNE LYNCH**, 58 Rosko Drive, Jeanne Lynch was present for a decision and wondered why it was not up for decision. D. Guzewicz stated that it was reopened so that they could get more information, it was stated they want a little less than the proposed. D. Guzewicz stated it is a blank slate so that it could be reconfigured in a way that makes it more compliant. They would like to see alternative site plans so that they can possibly remove the 5' hallway to nowhere. The Board desires several new proposals, variations of house designs with the pool. Counsel Robinson stated that the request is for alternative plans.

Fred Weinfert, neighbor, feels the Board is leading the applicant to what will be permitted. Counsel stated it is an administrative Board, not adversarial. He feels it is taking a very long time to come to a decision. Chair Guidera stated that it is an area loaded with pools and they have the right to come with a viable plan. Chair stated that they are being asked for a new plan, they need to see if they can have a site plan that needs little change. F. Weinfert asked how long this can go on, the Board stated as long as it takes, there is no limit.

Robert Smith, neighbor, asked what has changed to make them not give a decision. He felt that at the work session it seemed decided. Chair stated that they do not vote at work sessions but discuss how the Board feels regarding applications. Counsel Robinson stated that he cannot ask the Board a question regarding their decisions. D. Guzewicz stated they want to give the applicant a chance to comply. It's a complicated case with three front yards, they need to do their due diligence. Chair Guidera would like to see a plan with more conformity, the case was reopened for that purpose.

Motion by Chair Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of CHRISTOPHER & JEANNE LYNCH.

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

On the application of **FHW LIMITED PARTNERSHIP**, 111, 137, 153 Pond Lane, C. Voorhis has a draft decision prepared. This application includes the installation of a rain garden. They are proceeding with steps to work in the Village right of way. The conditions do include what they feel is necessary, like insurance and construction maintenance. D. Guzewicz stated on a side note that at their annual training, they discussed the advantages of these rain gardens and it seems to be a trend that is positive. C. Voorhis agrees that it will treat and manage pollutants.

Motion by Chair Guidera, seconded R. Devinney

To close for written decision on the application of FHW LIMITED PARTNERSHIP.

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

Motion by R. Devinney, seconded by D. Guzewicz

To accept the draft decision as prepared by Environmental Consultant Chic Voorhis on the application of FHW LIMITED PARTNERSHIP.

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

On the application of **BEECHWOOD LATCH LLC**, 101 Hill Street, present for the applicant was David Gilmartin. He submitted a chart that shows what their new proposal includes for the revised site plan. Since the last public hearing, they offered to reduce by three units. Second, there is a letter in the file from The Southampton Association and Whitefield Condo, both have withdrawn their objections to this application. Per Whitefield, the conditions are that there are no structures in side yards and that there will be a maintenance schedule for fencing and landscape. The lot line has shifted to 53' and the GFA is reduced to 61,375 square feet. Terry Cottage may be part of condo structure but will stand alone. Significantly, the Latch will remain in it's current position, it will not be moved up. The garages and motor court from the original plan were removed. The clubhouse was moved to the back of the lot and it abuts the Village water recharge area, no neighbors will be affected by the location.

D. Gilmartin noted that it will be beneficial, the Planning Board determination with SEQRA was that it will improve the current site and be positive for the Village. The new site plan lessens the impact significantly, he feels this new plan negates any impact from Hill Street. The change of use is not substantial here, he feels it is the totality of the circumstances that needs to be examined. Here the totality of the circumstances is that they are eliminating an illegal overuse of the property, the buildings are degrading, and the septic is subpar. The IA waste water treatment system will improve the sanitation of the site and capture the storm water run-off. It is a compatible use, it will be an improved non-conforming use. It will provide permanent patrons for Village businesses. The historic views will remain which is very important to the neighborhood. He asks that they close the hearing and have a positive decision.

M. Greenwald stated that recently the GFA has been reduced by 2%, by the Trustees, they feel this is a way to accomplish the overall goals of the Village. He stated they are going from 26,000 square feet, the request is for 61,000 square feet. He feels that is substantial. D. Gilmartin stated that he is using a purely numeric view. D. Guzewicz stated that at Bishop's Pond the condos are smaller with a larger lot, here the plot is smaller, and the condos are larger. D. Gilmartin stated that the garages push up the square footage. The R20 standard is not for use because they are not taking a non-conforming to make it R20. D. Gilmartin stated that in a previous decision on a case of the decision by the Supreme Court was that the variance, although large, would not adversely affect the neighborhood. He feels that applies to this application as well.

D. Guzewicz asked Stephen Dubb did the garage include the 2900 square feet. S. Dubb, stated that the 3242 included garage and porches and if you pull them out it is around 3042 square foot. The Terry Cottage is 3500 so that throws off the average. He stated the comparison of this condo development will be in line with the others surrounding it as to size. M. Greenwald stated that those were in different zones. S. Dubb stated that the R20 zoning is not appropriate for this application. Cooper's Farm and The Irving are R20 zones according to D. Gilmartin. Mark Epley was the mayor and George Benedict had a conflict of interest in the rezoning and they recommended the avenue they chose to take. Bishop's Pond was criticized heavily because of that relationship, he felt that would be impossible to avoid if they went for a rezoning. D. Gilmartin asked them to look at the Bishop's Pond decisions. The improvements in that site really outweighed the negatives.

M. Greenwald stated that their concern is that there is too much square footage. He asked can they reduce what they have now. D. Gilmartin stated that during the SEQRA hearing they looked at that and in the findings statement they felt there was fair exchange for the improvements. He feels that what

they are starting with is not a fair beginning, currently, it is under-utilized. In a conversation that he had with Jay Desing from The Southampton Association, they specifically asked for larger units, they did not want a bunch of small units. They realize that this will cater to a Village population that is looking to downsize from their current homes to a larger condo. D. Guzewicz stated that they testified that the smaller units at Bishops Pond all sold, and they are desirable. D. Gilmartin felt that really doesn't have anything to do with this application.

Patrick Fife, representing Whitefield, stated that he is happy to report that the changes that were made are acceptable and address the objections that were raised. The conditions that they would like to see as covenants have been submitted and D. Gilmartin agrees with those conditions. The units are not to exceed 19. He answered to R. Devinney's question that Whitefield had a covenant restricting the number of units, he stated that they did in fact have that covenant. They want a covenant regarding the landscape plan and maintenance and no structures or porches in the side yards.

Paul Herman, Whitefield resident, he feels that the covenants are very important because bylaws do not have the impact that covenant do. They are pleased with the changes to the site plan.

Michael Dubb wanted to address that Bishops Pond is totally different. He won't build Bishops Pond there, it is a totally different condo development. He stated that they want to do a good job and leave the Village in a better position. He stated that they want to fix what is there and improve it.

S. Dubb said that the 61000 square feet is the worst-case scenario, when calculating there will be smaller and larger units but the smaller unit with the first-floor master will probably dominate and that is the smallest. They calculated using the largest condo to show their calculations.

D. Gilmartin stated that they need to do a balancing test. He asked what would be the benefit in reducing the size and number? They completely screen what is going on behind in the condo unit with the Latch and Terry Cottage. Reductions won't benefit the neighbors. Beechwood has an enormous benefit but no detriment to the neighbors. Chair Guidera asked do they approve of the covenants requested by Whitefield, he said yes but they would like to do one covenant during the process so after the Planning Board. He requested to close on the application for decision subject to submissions before the next work session.

M. Greenwald states that he feels that the reduction of 2% should be across the Board, it is a Village concern. He feels that there is excessive density in the Village. D. Gilmartin stated that there is no adverse impact to the community for this, he understands the trend, but he states that is less impactful than other residential areas. There is a trade-off. R. Devinney stated that this is not an affront to the neighbors.

Counsel Bruyn asked was there a presentation about what the PB decided regarding the regarding impact. D. Gilmartin that it was presented. Counsel Bruyn stated that he would review it.

Motion by R. Devinney, seconded by D. Guzewicz

To close on the application of BEECHWOOD LATCH subject to written comments submitted in time for the next work session.

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

NEW CASES

There were no new cases on the agenda.

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