

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

Board members Chair Robert Devinney, Kevin Guidera, 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 Devinney opened the meeting.

EXTENSIONS

On the application of **FHW LIMITED PTN**, 111, 137 & 153 Pond Lane, the applicant has requested an extension for their Wetlands Permit that was granted by this Board.

Motion by K. Guidera, seconded by D. Guzewicz

To grant an extension on the application of FHW LIMITED PTN.

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

NEW CASES

On the application of **SPUR**, 630 Hampton Road, the applicant's agent appeared with a letter requesting adjournment. Affidavits of mailing and posting were submitted. Counsel stated to the agent that it will be necessary to advertise and post prior to the next meeting.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of SPUR.

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

PENDING DECISIONS

On the application of **BEECHWOOD LATCH, LLC**, 101 Hill Street, Counsel stated that they are an involved agency, they need to adopt a resolution regarding the SEQRA finding statement first and then they can proceed to the decision of the Board

Motion by D. Guzewicz, seconded by J. Zuhusky

To adopt the resolution of the SEQRA finding statement on the application of BEECHWOOD LATCH, LLC.

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

Nay: K. Guidera, M. Greenwald

Motion by J. Zuhusky, seconded by D. Guzewicz

To approve the written decision as prepared by counsel on the application of BEECHWOOD LATCH, LLC.

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

Nay: K. Guidera, M. Greenwald

On the application of **CHRISTOPHER AND JEANNE LYNCH**, 58 Rosko Drive, there will be no written decision on this application this evening. Counsel Robinson was putting a memo into the file, there will be no further proceedings to reopening and this Board will have to render a decision, however, the decision will not be ready for today.

On the application of **SOUTHAMPTON RE PARTNERS LLC**, 85 Down East, a Special Wetlands Permit has been prepared by C. Voorhis and is contained in the file.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the written decision by the Environmental Consultant on the application of SOUTHAMPTON RE PARTNERS, LLC.

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

PENDING CASES

On the application of **MADISON AVE CAPITAL PTNRS INC**, 1323 Meadow Lane, Mark Greenwald is recused from this application. Bailey Larkin was present for the applicant, they are requesting an adjournment to next month regarding the Pyramid issue. The roof deck was eliminated and the staircase to the roof has been replaced by a hatch in the roof. There will be no need to have geo thermal on this project. The revisions to the plan were submitted to the file.

They also addressed C. Voorhis concerns and comments from the last meeting, specifically, they are planting native plants in place of the native fescue lawn.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of MADISON AVE CAPITAL PTNRS INC.

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

NEW CASES

On the application of **WILLIAM AND LARA CLANAHAN**, 131 Lee Avenue, present for the applicant was Lisa Zaloga, affidavits of mailing and posting were submitted. Plans for the garage are part of the file, as well as a survey of property, letters of support (3), and color photos. This property is in R120, but at 53,000 square feet, it is under sized for the zoning. Her clients bought it improved with an existing residence. There is no good spot for the location of a garage, they are about 150' from Lee Avenue. Google aerial views show the other homes on Lee Avenue much closer to the street. They are proposing 70' off Lee Avenue as the location for proposed garage. They are proposing for the lot size not the zoning for the neighborhood. The garage is only 12' tall, the neighboring plantings are 12' so it will not be visible.

D. Guzewicz asked what the proposed wall is for, L. Zaloga stated that it is to cover the bikes and kayaks, etc. D. Guzewicz asked why it isn't on the house side. L. Zaloga stated that it didn't really matter since it was items contained behind a wall, however, D. Guzewicz feels that things tend to spill out past storage areas. K. Guidera asked if they reverse the parking area and garage it would give the 90' and eliminate the need for variance. L. Zaloga is trying to maintain some mature trees. Counsel asked about existing septic, she stated it is at the front, the Board stated it should be noted on the plans. D. Guzewicz thinks it can be reworked for 90', it will screen the parking. She felt that there should be space between the house and garage. D. Guzewicz feels the garage should be closer to the house for convenience. L. Zaloga states that she can speak with her client, but they don't want to look out their window to a wall of a garage.

The Board would like to find out if they can locate the garage where the existing parking area is. They also want located the septic and utilities. She will plot the septic, utilities and plantings on the plans. Counsel asked if the garage can be turned so the doors face South toward the parking area. She stated that it was necessary to have more parking area, that would make it tight for parking, so they didn't want to do that.

The homeowner was present and noted that there are six bedrooms, the septic is under the proposed parking. L. Zaloga asked if she can move it back 5' and show the septic, would the Board find that acceptable. D. Guzewicz stated 5' feet would make it so they don't have to move the septic system. Counsel stated that the Board wants the extra information and alternatives. Counsel asked about other detached front yard conditions in the neighborhood, similar conditions should be provided.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of WILLIAM AND LARA MCLANAHAN.

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

On the application of **THE MEADOW CLUB**, 555 First Neck Lane, J. Zuhusky is recused from this application. Counsel noted that in the future under new code, they need to present in writing the reason for recusal, not for today but it will be in effect going forward.

Present for the applicant was Gil Flanagan. Affidavits of mailing and posting were submitted. This application is for a wetlands special permit so that three existing tennis courts can be resurfaced with HarTru. They are also proposing a rain garden with this application. They don't need any variances, just a permit to work in the wetlands. There are 4 existing tennis courts, only three would be resurfaced with HarTru. This will have a significant positive environmental impact. The pitch will not allow as much run off to go into the pond. D. Guzewicz asked is the 5' rain garden will be effective, it seems undersized.

Drew Bennett, the engineer of the rain garden was present, and he stated that they will not have an increase in impervious material. The club would like to do better than drywells, it would require too many. The rain garden will control most of the run off, the length is proportional to the tennis courts. Their calculations demonstrate the size is adequate. D. Guzewicz has no experience with 5' rain gardens but noted that they use a series of calculations. The test hole shows that it is 3' to water and the composition is a combination of silt, bog and at the water table there is sandy silt.

Counsel asked about the resurfacing of just three of the four tennis courts, G. Flanagan stated that is correct. It appears that the two sets of plan differ on the size of the rain garden. One shows 5' and the

other at a much larger scale. D. Bennett was unsure and will have to touch base with the architect for clarification. D. Guzewicz asked about the bee hive rim flow drain. The silt can build up and it protects from that happening. There is one and he believes it will be adequate. C. Voorhis stated it is just a structure on top of the flow drain and he is familiar with them. D. Guzewicz was concerned that there wasn't enough drainage.

M. Greenwald asked what about the composition of HarTru and the possible environmental impact of it draining into the pond. Douglas Degroot from Hamptons Tennis Company was present. HarTru the runoff is less than concrete, HarTru is fast drying material and it is finely crushed green stone, it is a waste product from the asphalt roofing industry. It is a 1 1/2" thick application, under that is blue stone, below that is a larger crushed stone. They leave current concrete in place and build on top of that. They will increase the court by 4-6". They will reduce the pitch and it flattens out as it goes to the outer edge. The runoff coefficient is 70%, it reduces the amount of water to the rain garden. R. Devinney asked if it is similar to artificial turf. He stated no, it is not. HarTru needs to be maintained so many people choose artificial turf. M. Greenwald's concern is the contaminants in HarTru, D. Degroot assured the Board that it is natural stone so is not a contaminant for the pond.

Rob Coburn, Hill Street resident, asked about the maintenance products that will be used on the courts. There will be no contaminant maintenance products used on the courts.

C. Voorhis asked about 30% permeation on the concrete, will it capture that? D. Degroot stated that it will follow the slab out to the drainage. It can be captured. He has a channel drain going across at the upper height. C. Voorhis didn't see detail on that, they will need provision and notation for that. D. Degroot stated that they don't want that dirt runoff to get onto the court they do not have HarTru on since it would be slick.

The rain garden engineer pointed out the drain going to the rain garden to C. Voorhis. Both runoff will be picked up by the drain.

C. Voorhis looked at the site, the bins in the back had modifications from past permits that were approved by the Board. All the dumping has been cleared from that previous permit. There are phragmites, the wetlands line dates to 2005, they need to update that. NPV has a memo that they prepared, the rain garden calculations they have are different from theirs, so it needs to be looked at, and he also noted turf grass planting in amongst native species. They would like to limit that. The inconsistency of the plans need to be looked at as well. Overall, the concept is good, however, they need to address the memo comments and concerns for modifications.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of THE MEADOW CLUB.

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

On the application of **CAROLINE WELCH**, 340 Hill Street, the applicant was present and submitted the affidavits of mailing and posting. She does not have her survey tonight. She purchased this property 12 years ago. She has a carport and they are accumulating more things and is proposing a garage addition. She is limited to the East side of the property, so she has a second-floor addition over the garage for more space. She has four bedrooms and two bathrooms currently, the addition would provide an extra bathroom and closets, she is over the setback requirement and is violating the Pyramid Law. She needs variances for both. The existing carport is conforming at 10', that was conforming at the time of

construction and is 12' off the property line. She will remove the carport; however, the proposed garage will be 2' over the setback line. Chair asked if there is a drawing that shows the relief needed for the Pyramid. She stated that no, they just have the cubic feet necessary; it's not calculated. The cubic feet that will be needed is 860 cubic feet. Chair stated that they will need a drawing showing the existing and proposed Pyramid relief. She stated that doesn't have existing Pyramid violation with the carport.

Counsel stated it needs to be certified on the plans. Counsel noted that Southampton is spelled wrong on all the pages. The architect data is not correct, the acreage is incorrect, and the Pyramid calculations need to be noted. The other thing he noted is that there are the pasted calculations on the plans, the lot coverage and GFA are needed. They need existing and proposed.

M. Greenwald asked for the plans of the second floor. It was noted it is part of the submission, it is located at page C-6. The label is incorrect. It is a garage and a master bath and closet that will be the addition. The septic is next to the screened in porch, behind the proposed garage. The Board requested that the plans be labeled properly. It is 15'X24', single car garage. There is a portion of the living space that falls into the Pyramid. She is requesting 2 to 3' of setback relief. Counsel stated that she is required to use the 4/10 rule, she will need a calculation to be done to ascertain exactly what she is asking for.

A letter from Everett Buttery, the neighbor across the street, was submitted into the record by Anthony Gigliotti. Chair Devinney read the letter into the record. The letter is in opposition to the project for a variety of reasons. A. Buttrey feels it is inappropriate for the lot and neighborhood, it is at the front and there is room to the rear for the addition that would require no variance. He disagrees with having a two-story addition to the front.

Anthony Gugliotta, the owner to the East, is not in favor of the proposed extension. He has photos and surveys that he submitted to the Board. The applicant was given the submissions. In the center of the package, there is a picture of the property next to his house. He notes that her property is very close to his, he feels it will not fit in to the neighborhood. His house meets code and the lot is larger. He noted that she can build to the West and not require any variance. He is opposing the variance. He stated that it is not legal to have living space over a garage, Counsel corrected that if it is attached to the house you can put living space over the garage. There is no screening according to him. C. Welch states she has a fence. She states he does not live in the house, but it is the builder of the house that if for sale. D. Guzewicz states that he has fence and screening on his side currently.

C. Welch stated she needs to have 12' so that she can pull in properly, this is the only position that she can place the garage. She is concerned about getting into the backyard if she ever needs access to the yard for machinery or other necessary maintenance.

Counsel asked about the space of asphalt that is existing, she noted that you can park a car there now but once the garage is built she will not be able to utilize that. She states that she can add screening. Chair Devinney asked about putting it on the other side of the house, she noted that the kitchen is on that side and her staircase would have to be moved, the kitchen would have to be completely moved. It would be difficult to change the location. The position of the house is original, it's from the 1800's, she's limited by factors outsider of her control. Chair Devinney asked is the applicant was clear on what she would need to provide the Board, she stated that she was.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of CAROLINE WELCH.

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

Chair Devinney closed the meeting.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk