

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
AUGUST 23, 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, August 23, 2018 at 6:00 p.m.

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

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

Kevin Guidera will be acting as Chair for this meeting.

EXTENSIONS

On the application of **259 S. MAIN ST REV TRUST**, 259 S. Main Street, request for extension to a Special Wetlands Permit.

Motion by Chair Guidera, seconded by D. Guzewicz

To approve the request for extension of the Special Wetlands Permit on 259 S. MAIN ST REV TRUST.

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

PENDING DECISIONS

On the application of **SOUTHAMPTON RE PARTNERS LLC**, 95 Down East, there is a decision in the file.

Motion by Chair Guidera, seconded by D. Guzewicz

To approve the written decision on the application of SOUTHAMPTON RE PARTNERS LLC.

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

On the application of **CHRISTOPHER AND JEANNE LYNCH**, 58 Rosko Drive, Counsel Wayne Bruyn is recused from this application. There is a written decision in the file.

Motion by Chair Guidera, seconded by D. Guzewicz

To approve the written decision on the application of CHRISTOPHER AND JEANNE LYNCH.

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

Nay: J. Zuhusky

PENDING CASES

On the application of **THE MEADOW CLUB**, 555 first Neck Lane, the applicant has requested adjournment. James Zuhusky is recused from this application.

Motion by Chair Guidera, seconded by D. Guzewicz

To approve the applicant's request for adjournment on the application of THE MEADOW CLUB.

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

On the application of **SPUR**, 630 Hampton Road, Counsel Wayne Bruyn is recused from this application. Present for the applicant was David Gilmartin, affidavits of mailing and posting were submitted. It is his understanding that this application will be referred to the Planning Board for the SEQRA, so they are requesting an adjournment to the October public hearing while that is before the Planning Board. There has been a site plan submitted. This application is to repurpose the old Buick dealership on the corner of Hampton Road and Flying Point Road, it has a permit to sell cars in the file. It is in the Highway Business (HB) Zoning District. It is bordered by businesses on all sides. They are looking to renovate and repurpose the space. They have applied for three purposes and have been approved for all. It will be office, gym and restaurant use. They have an approximate 5000 square feet extension. They need a rear setback variance for the extension, they need a variance for two story extension on area, the final is an expansion of non-conforming structure by 50%. One of the principal's is present tonight. The pool will be a members only pool for office members.

Frank Devito, Principal, the pool and rec area is only for the members of the office space, not the gym. The bar/restaurant is on the second floor. Gym is on the first floor. They are trying to keep it an exclusive members club, but the restaurant will be public. There is an exterior stair to the restaurant. Chair Guidera asked about the zoning for the Highway Business and if their uses are conforming. D. Gilmartin stated that the uses that are proposed are conforming. You can have a restaurant where it is HB zoning per D. Gilmartin. F. Devito states that they are working on the flow of traffic so that it is not a problem with traffic. Chair Guidera asked about the entry/exit distance to the intersection on Hampton Road. There were three existing road cuts, they want to utilize them but keep them directional. D. Guzewicz stated there are no elevations, it is hard for them to tell the flow. The gym is 1,322, it is a specialty gym for members. There are no renderings in the folder. D. Guzewicz asked about health department approval. D. Gilmartin stated that the parking lot and health department are all things that are being figured out. D. Guzewicz asked if there are buried tanks. F. Devito stated they were all abandoned and removed, and they have the certifications for that abandonment. The original design is being preserved, all the garage doors are being kept in front. It will look like a retro garage station. The restaurant has not been determined yet. There are some new businesses being formed and requesting office space, many returning out East from NYC.

Counsel Robinson thanked them for their coordination on this, he asked them to take a good look at site plan. It does not show the zoning line demarcation on the west. D. Gilmartin stated that there is a property between them and John David Rose. D. Gilmartin will investigate that.

Motion by Chair Guidera, seconded by D. Guzewicz

To approve the applicant's request to adjourn on the application of SPUR to the October ZBA meeting.

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

Counsel Bruyn sat as counsel for the rest of the hearing.

On the application of **MADISON AVE CAPITAL PTNRS INC**, 1323 Meadow Lane, Mark Greenwald is recused from this application. Bailey Larkin present for the applicant. Affidavits of mailing and posting were submitted. They have previously been before this Board for a special wetlands permit which was granted. This application is a request of special wetlands permit for construction of a home and pool,

also they will need a front yard permit. They also need sky plane relief, for elevated structures in flood areas. The sky plane for elevated structures begins at 40 ft. The most recent site plans dated 7/10/18, demonstrates the first diagram showing the flood elevation flood plane requirement, 40', it is a total of approximately 17,000 cubic feet relief from Pyramid that would be necessary. There is compliance for side yard sky plane requirements. The Meadow Lane Overlay District shows a 25-degree angle from the street, lessening under the Meadow Lane Overlay the need for relief from the sky plane. Submitted was an aerial view of the lots on Meadow Lane, the lot location for this property is 19. The second page shows a chart that has each of the lots. Bob Smith, Squire's and Holden, prepared a setback from surveys on file from the Village. He demonstrated the height at which the sky plane would hit the existing structures, the average is 22' and 15 ½' will hit the sky plane. This application is proposed at 39' and the sky plane hits at 22', the request for the Pyramid encroachment is consistent with what is proposed. Counsel Bruyn asked to submit a tax map. On the North side of Meadow there are no variances for the sky plane. On the South side there was relief granted on a corner lot, the reasoning was that it was a corner lot. There situation is that they want to locate the house as far away from the wetlands as possible.

They received a memo from C. Voorhis and the sent a reply that is on file, it addresses all his concerns. Counsel Bruyn asked if there is an analysis of the existing house and its compliance. It is currently compliant. The house is being moved away form the wetlands and closer to the street. The existing house is at 80' and they are requesting to 50'. There is a comparison chart by Rob Harrison in the file. There is a lot coverage reduction to 11.8%. They revised the landscape plan; the Fescue lawn has been done away with and it will be replaced with a native planting buffer. D. Guzewicz asked about septic system and how it will be landscaped. Holly and crepe myrtle will be along the retaining wall for the septic, B. Larkin believes it is 3 to 4'. Counsel stated that the holly is on the North side of the wall. D. Guzewicz wants to make sure it can be screened and will not be dug on Village property to construct. The landscape plan on L5.01, there is a wall shown, it is not clear where the wall lies. B. Larkin will clarify where the wall lies and how the plantings conceal. The Board desires to have a landscape plan with elevations of the wall, they would also like the finish of the wall, as well as a wall cross section.

C. Voorhis stated that they have Aeris design changes to the landscape, the property has driveway and septic. All the house and pool are being setback. The are using an AI system, it is for reducing nitrogen. The drainage will be improved and there are drywells. The environmental aspects are beneficial. The house to the West of Road D may have allowed landscaping partly in the roadway. The drainage on Meadow Lane is of concern, he is not encouraging landscape in the right of way, that will help to retain run off. They do not want work outside of the property line on this case. C. Voorhis stated there is a detailed construction management plans and erosion plan. They provided on site parking for the construction and they will also have off site parking as well. C. Voorhis has no further comments other than what was discussed. Counsel asked how long it will take to get the requested material, possible before the work session they can have a decision for the next hearing if she can have them quickly. B. Larkin feels like it will be possible to have the requests before the next work session.

Motion by K. Guidera, seconded by D. Guzewicz

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

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

On the application of **WILLIAM AND LARA CLANAHAN**, 131 Lee Avenue, present for the applicant was John Spray, he was present for Lisa Zaloga. This is a request to place a garage in a front yard. They will only need one variance because of moving the garage closer to the house per the request of the Board.

The garage was pushed to 100'. The application is being generated because it is a non-conforming lot, the house has been put at an angle, the only place for the garage is in the front. The sleeping quarters are on the front and prevent the garage from being placed on the front. Submittals were made of similar front yard variances, one involved a garage. There was also a concern about being too close to the septic, the second survey shows that the location of the garage has been moved and there is no conflict.

Counsel asked on the East side of the house, is there a stairway? J. Spray does not know what it is, it appears to be stairs to the basement. M. Greenwald asked about the floor plan for the garage, he was provided, that and there is not change to that. D. Guzewicz asked if the garage bathroom will tie into the existing septic system, it is not noted on the plan. D. Guzewicz would like to know information regarding the septic. That information will be provided to the Board, but the decision does not have to be based on that since it does not affect the decision regarding the variance.

K. Guidera asked if C. Voorhis was okay with it, he noted that the changes are out of jurisdiction.

Motion by Chair Guidera, seconded by D. Guzewicz

To close on the application of WILLIAM AND LARA MCLANAHAN.

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

On the application of **CAROLINE WELCH**, 340 Hill Street, the applicant was present. She has submitted the plans that had architect changes requested by the Board. There was a letter in the file from Donna Seruti, the neighbor across the street, she hopes there is an alternative solution that can be found for this application.

C. Welch stated that the dimensional requirements are shown on the new plans. The new plan shows a shaded line that shows the section needing relief. There are 892 cubic feet that have Pyramid relief necessary. The house is at an angle, so the front is further over than the back. The driveway will need to be maintained so that she can keep the gates for access to the backyard. She has no way to change that. She states that the only thing she can do would be to put a gate to block the view completely. Counsel asked where the septic is, she states it is in the backyard. C. Welch pointed out the location of the septic on the survey. It gets serviced by the driveway, she feels it will still be serviceable with the garage. The volume of 892.35 cubic feet of Pyramid relief. There were photographs provided that shows the house next door and she pointed out the parking area of the driveway.

Motion by K. Guidera, seconded by D. Guzewicz

To close on the application of CAROLINE WELCH.

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

NEW CASES

On the application of **THE GREENBLATT 2015 TRUST**, 1990 Meadow Lane, M. Greenwald is recused from this application. Bailey Larkin is present for the applicant. Affidavits of mailing and posting were submitted. They were here for a special wetlands permit and redevelopment that had been granted. It is on the South side of Meadow Lane, they have obtained variances for the house, pool and pool house. This application is for the Northern part of the property for work in the wetlands that contains invasives. The decision that was previous was from February of 2018.

John Hamilton, landscape architect, showed the existing conditions in the wetland buffer. There were pictures of the conditions, most of it is knotweed, phragmites and honeysuckle. There are some native shrubs, all work will be by hand to carefully remove the invasives. The lower areas of the buffer contain phragmites.

Mike Schiano, InterScience, will discuss removals plan for the buffer. He met with C. Voorhis to discuss how the Village prefers the phragmites managed. They focused on a plan that will involve hand-cutting, hand pruners and hedge clippers. There will be hand machinery, primarily weed whackers and perhaps a chain saw for dead trees. None of the root systems or ground surface will be disturbed. If approved, the first cut would be done in November and all the thatch and debris will be removed with the intent of exposing the soil so that seed stock will be able to germinate to hold back phragmites. The second cut would be late February, early March. At that time, they would implement the planting plan from the landscape architect. All the new species would be pocket planted in. During the spring of 2019, that planting would begin and continue through the planting season of Spring. The construction will not be completed until Fall of 2019 and the rest of the planting will be finished after that. There will be June and August hand cuttings of phragmites, so that the plants will have a chance to establish and develop and shade out the phragmites. From that point, they would also propose to continue the cutting based on recommendation from the DEC for a period of up to three years. On an annual basis there will be evaluation of the situation with the phragmites. Counsel asked about the previous wetlands permit, the previous permit was for a different design. B. Larkin states this application is for a permit that was never requested for the wetlands buffer. All the prior work was regarding the house and driveway, this is a separate wetlands permit request. This is solely the front buffer area.

J. Hamilton states that the invasives will be removed and will all be native buffer and it will be what should have been there originally. They are considering that there are two microclimates, one is wet more often, and one is upland, the plantings will be different in those two areas.

Dan Thorp, landscape architect, he feels that they can make a significant improvement to the environment for Shinnecock Bay. D. Guzewicz asked about the new plantings, he asked about the 50-90% effective, have they had that rate of success from other projects. D. Thorp states that they have had success in the Village. Continual cutting and maintenance of native plants, it has been successful. In this case, because of the quantity of new plantings they are confident of the success of the plantings. This is an isolated pocket, it's not a continuous band of phragmites.

C. Voorhis asked to go back, he was under the impression that part of the original permit was for revegetation around the driveway. M. Schiano states they still plan to do all the original requested on the previous variance, the focus of this application is North of what was the limit of disturbance. C. Voorhis asked how that dovetails with the other plans, they noted that it is really a continuation of the existing permit. C. Voorhis would like a plan that shows both together, the previous and the requested. Counsel stated a timeline would be helpful as well. C. Voorhis stated that on L1.3, there is a red stipple area, he asked how that will be managed. M. Schiano stated that the program for that area as they go through and identify the areas, specifically, identify what will be going in. C. Voorhis asked because in the other areas they have a specific density, should there be a corresponding density in the actual wetlands. D. Thorp stated it is tough to peg down what needs to be done without clearing. C. Voorhis wants to make sure that if the wetlands area is going to be actively managed, he wants to know the planting and density. C. Voorhis asked about the Tupelo tree, are they confident it will do well, it doesn't seem typical for the area. D. Thorp states that they have had success with them in brackish environments.

Motion by Chair Guidera, seconded by D. Guzewicz
To adjourn on the application of THE GREENBLATT 2015 TRUST.
On Vote: Chair Guidera, D. Guzewicz and J. Zuhusky

Chair Guidera closed the meeting.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk