

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
SEPTEMBER 27, 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, September 27, 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 absent.

ADJOURNMENTS

On the application of **THE MEADOW CLUB**, 555 First Neck Lane, there was a letter submitted requesting adjournment to the October 25, 2018 public hearing.

On the application of **SPUR**, 630 Hampton Road, the applicant requests adjournment to the October 25, 2018 public hearing.

Motion by K. Guidera, seconded by D. Guzewicz

Motion to adjourn on the applications of THE MEADOW CLUB and SPUR to the October 25, 2018 public hearing.

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

RENEWALS

On the application of **472 FIRST NECK LANE LLC**, 472 First Neck Lane, the special wetlands permit needs to be renewed for work to begin. They are moving forward with Health Department.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the request for a renewal of the Special Wetlands Permit on the application of 472 FIRST NECK LANE LLC.

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

PENDING DECISIONS

On the application of **WILLIAM AND LARA MCLANAHAN**, 131 Lee Avenue, there is a written decision in the file. There needs to be an amendment to the decision regarding the elimination of the shower.

Motion by D. Guzewicz, seconded by K. Guidera

To accept, as amended, the decision as written on the application of WILLIAM AND LARA MCLANAHAN.

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

On the application of **CAROLINE WELCH**, 340 Hill Street, there is a written decision in the file.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the decision as written on the application of CAROLINE WELCH.

On Vote: Chair Devinney, K. Guidera, M. Greenwald, 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. Present for the applicant was Bailey Larkin. Last meeting there was a request for the proposed sanitary wall detail. They submitted the wall section detail and the screening for landscape the landscape. They will use inkberry which was the suggestion of the Board because it is native and evergreen. Counsel Bruyn asked for the revision date of the last wall section detail. The last revision was 9/25/18. C. Voorhis was able to prepare for the file the Special Wetlands Permit since all the requested submittals were received.

Motion by K. Guidera, seconded by D. Guzewicz

To close the hearing and approve the Special Wetlands Permit as prepared by Environmental Consultant Chic Voorhis.

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

On the application of **THE GREENBLATT 2015 TRUST**, 1990 Meadow Lane, M. Greenwald is recused from this application. John Hamilton, the landscape architect, was present for the applicant. They met with C. Voorhis and he made suggestions which they adjusted on their revised site plan. They will use native grass on cut phragmites areas. The Tupelo tree will not be used, it is swapped for better regional trees. They also confirmed that the previous approval by the Board will not be touched, it is as approved. Those are the requested revisions. C. Voorhis is in favor of the application and prepared a Special Conditions Wetlands Permit.

Motion by Chair Guidera, seconded by D. Guzewicz

To close the hearing and approve the Special Wetland Permit on the application of THE GREENBLATT 2015 TRUST.

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

NEW CASES

On the application of **78 WHITE STREET LLC**, 78 White Street, present for the applicant was Bruce Vetry. Affidavits of mailing and posting have been submitted. This application requests relief for a permit for a detached ground sign to an 11' setback from the north property line where the building setback is 29' where 40' is required. Submitted were examples of comparable signs in the neighborhood. Chair R. Devinney feels that 80 White Street is not in compliance with Village code, so it may not be a good comp. The second page has the depiction of Bridgehampton National Bank as a comparable. There is a site plan in the file. This is a variance for allowing a sign where the setback is not great enough, the building is at 26', the setback for the sign from the street is 10'. They propose 11' from the street. Counsel Bruyn asked about it being a lot in a subdivision, the survey states that it is a lot in a subdivision. He is asking what the conditions are on the other lots. B. Vetry stated that there was previously a sign on this property and it was not a problem. B. Vetry is not sure if the sign was permitted. There is not a copy of the CO in the file. Chair asked if the company is the sole occupant. B. Vetry responded that it

was. R. Vetry stated that the sign is 3'x8'. There sign will be single. It will be in the same location as the previous owners.

Counsel stated that the issue with the sign is the setback not if the size of the sign is legal. The status of the examples is important for it to be a comparable condition. The size before was less obtrusive than their proposed. D. Guzewicz asked can it be 2'x6', would that work? B. Vetry stated that they would accept that condition. J. Zuhusky stated the sign should be closer to the ground and shrink it. So, 3'x6' is acceptable to the Board. They would also make a condition that there are no signs added underneath.

There are three letters in the file in opposition. One of the letters stated that there are not free-standing signs on the street that have permits. Counsel asked that they supply the Board with more information pertaining to his comparable, if they are permitted and meet code. The Board feels that may not be necessary for him to conduct what appears to be the Village's responsibility. Counsel stated that to use comparable those facts need to be established. He suggested that the comparable could be withdrawn from the file. R. Vetry is withdrawing the comparable pictures, so that he does not need to provide that information. He will return with an amended site plan for the sign with the adjustments that the Board is requesting.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the applicant's request for adjournment on the application of 78 WHITE STREET LLC.

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

On the application of **MCDONALD'S USA LLC**, 307 North Sea Road, affidavits of mailing and posting have been submitted. Present for the applicant was Keith Brown. This is a request to amend a prior Zoning Board decision to permit and expansion of the existing drive-thru. Variance and special use permit are needed for this application. The application was advertised properly. It is highway business and is permitted. In 1973 the Village Code changed pertaining to the front setback which made it not compliant. The applicant wants to convert the tandem drive thru to side by side and add a 287 square foot addition to the back for storage. It is surrounded with businesses and is in keeping with the neighborhood. As a condition of the 1999 variance, it provided for no further expansion and no alteration of parking lot, they need to have a variance because of these conditions. This application will help with the spill over of customers into the street during peak hours. The added bump outs on each end will be a total of 287 square feet. They will reduce the dining room seating and reduce parking spaces because of that reduction. McDonald's will update the landscape at the front and back of the property. There are 45 spaces for parking where 36 are required. The on-site parking is sufficient for the use. This application will not adversely affect the parking.

Alan Rosko, civil engineer for this program to remodel, they want to modernize the brand and provide for ADA compliance. They have changed the color palette, it is neutral using greys and taupes. The version shown was true color and more modern in appearance, it will reduce the current color impact. Muted signage is shown. ADA compliance will be renovated bathrooms, dining room, curbs and striping. Interior will be updated as well. They will have a total remodel using hardy plank exterior with a nod to a Colonial look of the neighborhood. That is the program that they are conducting throughout Long Island. They will see a 25% increase in order capacity during peak times, thus making less congestion. If the drainage needs to be assessed, they will take care of it before they leave.

K. Guidera asked where ordering will be? It will be on the South side. Order in back in two places and pay and pick up on current location at the side. A. Rosko pointed out the pay point and pick up point on

the site plan, they want to even out cars. D. Guzewicz asked about the reduction in parking spaces, it will be reduced by 6. The benefit of the side by side is dual order points and that pulls car off the right of way. They submitted plans to Nelson, Pope and Voorhis to Chic and Kathy and they provided their comments in a letter, and those comments have been addressed. The ADA spaces will be surfaced with concrete and be brought into compliance. The NPV letter with their comments was submitted to the file.

K. Brown states that the architecture was influenced by other buildings in the neighborhood. That is how they arrived at the proposed appearance of the building.

Counsel asked about C4.1, there is a correction, he asked if it is a freezer cooler addition. That has been revised per comments. M. Greenwald asked where the seating was reduced, A. Rosko is not sure exactly. Chair Devinney asked if they are looking for 25% increase in capacity, it was answered that they are looking for greater efficiency. D. Guzewicz asked if they will be closed for the construction, A. Rosko stated anywhere from 10 days to three weeks. He feels it will be on the longer side in this case. They try to limit the closure. M. Greenwald asked about the enhanced landscape, there is a new sidewalk through the present landscaped area, they plan to retain and add to what is existing.

Paul Going, Atlantic Traffic Engineers, he is the traffic engineer. They observed site traffic on Sept 20th and 22nd. They knew that this was a busy spot, and, in this case, the proposed condition is on observed traffic. It was observed that there are 34 extra peak hour trips. Peak is 12:30 – 1:30, this is not recognized as significant by DOT. Therefore, it is not going to impact the area adversely to make the side by side drive-thru. The restaurant is reduced by 10 seats, they are still 9 parking stalls over the requirement. He pointed out on the survey the existing conditions and the proposed. There are two menu boards currently. Two separate cars can make orders at the same time. The order is the pinch point in the process. The pick up and purchase are each about 30 seconds, but ordering is about a minute. Drive-thru demand has increased over the years, it is currently 65-75%. The ordering has become more complicated by more choice. The proposed has all the same elements. The side by side operates better than the current situation of tandem menu boards. This change will be able to queue 19 cars instead of the current 14. They do not see the queue extending 12 cars.

K. Guidera asked about the 50% rule, the previous 1999 grant was 58%, they will go a little further beyond the rule. Counsel Bruyn asked about the report being 93 seats but the allowance in the previous decision was 86, what is the baseline of what is allowed and what is it being changed from. The traffic analysis is not clear or consistent with present and proposed. K. Brown stated that they will provide that. The indoor floor plan is not included currently. D. Guzewicz would like an As-Built provided. Counsel Bruyn stated they need the new seating plan and the additions clearly stated as to use.

R. Devinney asked how this benefits the community. K. Brown stated the ADA compliance, more convenience for the community and safety without spilling onto North Sea Road. Modernize and updating will be visually appealing and improve the surrounding. Historically, there were draining issues, but they have been resolved.

M. Greenwald had a question for the traffic he feels there is danger, it is a high traffic street. P. Going stated that the location and traffic on the road is typical for McDonald's locations.

R. Devinney placed visuals on the table, it was a McDonald's cup and French fry container. He was demonstrating the litter situation, and in his view, much of it is McDonald's patrons. He stated that a

litter plan needs to be in effect, namely bilingual signs to respect the community regarding litter. If that is not addressed, he would not be in favor of the application.

Charles Styler, a customer, he is not opposed but in going through the drive-thru he has a problem with a point where pedestrians cross in front of the pick-up site. He feels a sign or cross walk there would be helpful. K. Brown will come up with a plan for that.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the applicant's request for adjournment on the application of MCDONALDS USA LLC.

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

On the application of **EMANUELE SANTOMAURO**, 22 Potato Field Lane, affidavits of mailing and posting have been submitted. Present for the applicant was John Distefano from Best Modular. The applicant requests relief for the construction of a 354 square foot covered front porch with a setback of 34.1' where 40' is required. The house has been installed, the south sun comes through the windows and they want to cut down on solar coming through the front windows, so they are proposing a small porch. Counsel asked about the status of the house, he stated it is built. Counsel Bruyn asked if a final survey is part of the file, J. Distefano has not done a final survey yet. He will need it at the end for the Health Department but wanted to have all the house finished. He stated that they can do an As-Built. Counsel wants to make sure they comply since it is right up against the setbacks, the house could have been placed back further. The pool was left in place, so they did not have much space to move back. J. Distefano will have a final survey down. If the house was moved back they would not need a variance noted D. Guzewicz, he asked about the two front doors and the porch being the whole width of the house. J. Distefano stated that they have one door that goes into the half bath and laundry and one on the front. D. Guzewicz stated that they don't need the other door, it's unusual to have a door to a laundry room. J. Distefano noted that the ARB approved the appearance. Counsel asked about the proposed pool, it is the same spot. R. Devinney asked about the shed that is there and J. Distefano said they will move it since it is not compliant. J. Distefano noted that he will need a 6' for porch depth, the Board would like to see a 3' demonstration of the porch, not 6'. M. Greenwald stated that there are other options for shade. J. Distefano does not feel that they are asking for a large variance. He is asking them to correct an oversight of what he didn't consider. They can put steps to the front door, but a roof over will need a variance. A portico can accomplish that. K. Guidera feels the house looks stark and does need something. Steps and a portico may solve the problem according to D. Guzewicz. R. Devinney stated the lots across the street are set back further, so their porches are not a problem since they conform. K. Guidera does not think it is a big deal.

John Distefano stated they can draw a couple of options for the Board. M. Greenwald asked if there was a basement, yes there is a full. The bump out in the back is a small room to keep an eye on the children playing in the pool. Counsel stated that he will need to show the shed in a conforming location and provide Board with some options for the front porch and a portico option.

Stewart Sklar, resident on 57 Potato Field Lane, he is across the street. He feels the two door are odd. It looks as though the house is incomplete right now. The entire front of the home is unfinished, there was an error, he feels steps up the front won't look great. He feels something wider will look better. R. Devinney asked about a shed roof option. D. Guzewicz stated that there is no landscape yet, even so S. Sklar feels it looks incomplete. He feels it will look better with the porch. John Distefano stated the columns will be in vinyl, not aluminum clad. D. Guzewicz stated a heftier column would look better, J. Distefano felt the 8" looked to big so they went with 6".

Eileen Scritch, neighbor across the street, she feels that the porch was planned all along. It is encroaching in the front yard and then 4' of shrubs brings the house very forward. She feels it changes the feel of the neighborhood. She feels 6' is excessive but they need some relief to improve the look. J. Distefano stated they intended to do a straight set of stairs and it just didn't look right. They can reduce to 4' from 6' for the front porch.

Ali Toco, 99 Potato Field, she feels the house needs something on the front. It needs to look less flat.

Motion by K. Guidera, seconded D. Guzewicz

To adjourn for all purposes on the application of EMANUELE SANTOMAURO.

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

Chair Devinney closed the meeting.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk