

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
NOVEMBER 29, 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, November 29, 2018 at 6:00 p.m.

Board members Chair Robert Devinney, Mark Greenwald, Kevin Guidera, 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.

PENDING DECISIONS

On the application of **EMANUELE SANTOMAURO**, 229 Potato Field Lane, a written decision was prepared and is in the file.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the written decision on the application of EMANUELE SANTOMAURO.

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

ADJOURNMENTS

On the application of **SPUR**, 630 Hampton Road, a letter was received requesting adjournment.

Motion by K. Guidera, seconded by D. Guzewicz

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

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, a letter was received requesting adjournment.

Motion by K. Guidera, seconded by D. Guzewicz

To approve the applicant's request to adjourn on the application of MCDONALD'S USA LLC.

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

PENDING CASES

On the application of **THE MEADOW CLUB**, 555 First Neck Lane, present for the applicant Gilbert Flanagan. J. Zuhusky was recused for this application. This application was adjourned for certain design features for C. Voorhis to review regarding the rain garden. C. Voorhis received a report from Drew Bennett that addressed all his concerns. There is a draft decision that shows net environmental benefit.

Motion by K. Guidera, seconded D. Guzewicz

To close on the application of THE MEADOW CLUB.

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

Motion by K. Guidera, seconded by D. Guzewicz

To approve the written decision prepared by Environmental Consultant Chic Voorhis on the application of THE MEADOW CLUB.

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

On the application of **78 WHITE STREET LLC**, 78 White Street, there was submission to the file of a smaller sign at the request of the Board. Present for the applicant was Bruce Vetry, he noted that the Board had approved the smaller sign. Wayne Bruyn stated that it has not been approved. B. Vetry's understanding was that it was approved if they made it 3x6. Counsel asked if the sign from the previous tenant on the property was permitted. B. Vetry noted that it was there previously but acknowledges that it was not permitted. Counsel asked the size of the signs in the other photograph that he submitted of 80 White Street. There are three signs for 80 White Street, he's not sure about the size. B. Vetry didn't feel it was his obligation to see if the signs were legal and noted that the last time he was before the Board they felt it was not his obligation either.

John Bennett submitted a letter in opposition, he stated that his building legally has it on the wall of the building. There is no reason to have a free-standing sign in his opinion. It is transitional area to residential. Signs to the west are not legal. Chair Devinney asked that he have a temp sign on his property removed, it is a painting company and it is not legal. J. Bennett will take care of that sign from his tenant.

K. Guidera and D. Guzewicz are not opposed and do not feel he should be held responsible for the illegality of other signs in the neighborhood. B. Vetry noted that he is before the Board to legally put up a sign.

Motion by K. Guidera, seconded by D. Guzewicz

To close on the application of 78 WHITE STREET LLC.

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

Motion by K. Guidera, seconded by D. Guzewicz

To accept the amended signage 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 **KURT & MONICA STRUNK**, 7 North Sea Road, Kurt Strunk was present. This application was re-noticed and affidavits of mailing and posting were submitted. The pool equipment will be moved to inside the shed. There is a letter of support from neighbor, John Bennett, in the file. A new survey was submitted into the file to show the pool equipment location. All was properly noticed, and all is depicted on the survey. The notice has three components, the 48 square foot addition. Second, the pool equipment setback. Third, is a parking variance. The current parking was built with a setback of 5' per the Building Department, he was made aware that the require was 10' at the last hearing. It was a mistake by the Building Department and was constructed from that information, it was an honest mistake. They are asking for an additional parking space for a 0' setback off the southern setback off the cemetery. They did have a back and forth with the neighbor at the last

hearing, he feels that it should not be litigated in front of the Board. However, they propose to align the fence with the edge of the right of way, so the alleged encroachment would be addressed.

Counsel asked what kind of fencing? Currently it is 8' stockade. They are happy to continue the existing fence to the end of the right of way. Counsel urged K. Strunk to check with Building Department as to fence requirements for the pool. They will need to provide the fence specs in writing to the file. Counsel asked about the septic system, the last survey showed proposed. K. Strunk stated that the sanitary system was existing, and he spoke to the installer and submitted the certification of the replacement. The pool equipment is indicated by a box on the survey.

To summarize, the three areas of relief are the proposed addition of 48 square feet, they need setback relief for the corner of the addition. For the pool equipment they request 5' where 20' is required, and the existing parking needs a setback of 5' when needed 10'. Lastly, the south side parking space with 0' side setback. Counsel noted that they do not have a CO in the file and the pool permit needs to be part of the file as well. K. Strunk will provide it. Counsel asked about the chimney on the back, it is not on the survey and it is part of the addition, it needs to be on the survey. Counsel stated that they need to be consistent. Strunk will submit a revised version of architect drawings with chimney flush and not sticking out beyond the addition. He will submit the CO, pool permit and revised plan by the work session.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of KURT & MONICA STRUNK subject to submissions by December 11th.

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

On the application of **ZERO SQUABBLE LLC**, 0 Squabble Lane, present for the applicant was John Bennett. Project architect Jim McMullen was present. There was a submission of a response to a letter from Ms. Riley's office. There was some concern about the deck upstairs, they have reduced that by pulling it back from the east 20'. The aerial of the property shows it does not seem to be an issue, however, they have reduced it. Waterfront facing porches have been the subject of a lot of litigation and he noted that without showing a demonstrable negative effect, it is not an issue in the cases. He feels that revegetation plans are a good thing, he finds that objection from Ms. Riley to be unusual. Ms. Riley had a question about the proposed dock, it may fall under the Army Corp or Engineers. They will need a Town Trustee permit. There is no construction in the public right of way.

Counsel asked if the relief requested is unchanged, J. Bennett noted that even with the reduction they are still at 73.9'. The request for relief is the same. M. Greenwald asked that it be pointed out on the plans. D. Guzewicz asked about the access for second story porch. J. McMullen, the architect noted access is just from the master bedroom and bath. That shortening by 20' is the primary change, that changed access to the balcony to solely the master bedroom and bath. The primary view shed is northwest, it's the obvious choice for Wickapogue Pond and the Ocean. It should not affect the neighbor with the objection.

C. Voorhis stated that the new plans have just been submitted, he asked about the comparison table. Steven Nieroda, Araiys Design, pointed out the table. C. Voorhis asked about the Dune restoration, its lacking detail. S. Nieroda noted that it is part of the previous application, it stated proposed. A dune restoration photo was submitted to the file.

Linda Riley, present for Mr. and Mrs. Galfant. She'd like opportunity to review the submission she received tonight with her client. Part of the problem with the revegetation is calling for silt fencing right at the edge of the wetlands and mostly grasses in the revegetation plan. Often, landscapers mow these areas, her client would prefer woody vegetation at the edge. They object to the path and dock, since the path is purely access for the dock. She feels that revegetation is a good thing, however, two years ago vegetation was removed unnecessarily. Also, the old plans showed a contractor entrance spilling onto the right of way. They are concerned with the machinery since it is an environmentally sensitive area. It seems impossible to not have heavy vehicles in the dune. Her client does not object to every single part of the application. Her clients are concerned about the noise, perhaps there can be some limitations on the noisy work. They noted on the plan, pilings will be under the pool and that will be very noisy. K. Guidera noted that all construction will have noise and every single house that was constructed in there had some level of noise with construction.

John Bennett stated that there is quite a bit of woody vegetation in their plan. He would be happy to consider construction suggestions that are reasonable from Ms. Riley.

S. Nieroda showed the vegetation plan, there is a mixture of native roses and bayberry mixed in with the grasses. C. Voorhis asked about retaining the existing. S. Nieroda replied that only non-native species will be removed, and the pond edge vegetation will remain.

J. Bennett noted regarding the path. It is the only request now before the Board, the pond dock will be addressed by Town Trustees, DEC permit, Secretary of State and possibly Army Corp of Engineers. He stated that Village Code covers the construction noise. Those periods are tighter than the Town, they begin at 8 and no Sundays. There is no pile driving on weekends and holidays in the Village code.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of O SQUABBLE LLC.

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

On the application of **ODED NACHMANI**, 1471 Meadow Lane, present for the applicant was Brian Deasero. Last month they were waiting on C. Voorhis comments, they were received, and they have responded to those comments. It is 26' landward from the existing house to the proposed. They conformed to the Meadow Lane overlay district guidelines. The septic was pushed to 74.1', that is the farthest they can push it back. It is an IA system, he triple checked and it does not need a sanitation wall. The ARB was favorable to their plan, the question was to the rooftop access. On the roof there will be solar panels, they are hidden. There was a submission of the plan showing the solar. D. Guzewicz asked about the dark lines; it is access with a stair case to the roof with an access door. The use of the roof is simply for panels. It is a way to get light to come down instead of a skylight. Chair asked how much space is not covered by solar panels, only a few feet are uncovered by panels. There was a question regarding the glass panel railing around the roof. The glass panels acted as an aesthetic, so they did not have to use a solid parapet wall. The applicant will agree to the condition that there is not usable space on the roof, it is strictly utility. The glass is essentially a railing. D. Guzewicz asked about the need for the railing, it doesn't seem a need. It does not need relief according to B. Deasero.

D. Guzewicz stated it appears as a deck because of the door and the railing, they would stipulate that there would be no use up there. M. Greenwald asked for the compliance with the sky plane law; it is noted that it is on page 7 of the packet. The house is 59.1' from the street. M. Greenwald asked if it

complies with the side lines; it does, and they will add it to the submission. D. Guzewicz asked if the construction methodology was included.

C. Voorhis stated that it is included and there is a revegetation plan as well. C. Voorhis stated that they had asked for a table to compare coverage and setbacks, but he'd like to see a more detailed breakdown of the setbacks of the building, deck and pool. He stated it is helpful but there is an area to the left where the proposed deck is closer to the wetlands, he wanted that clarified. The issue is that the wetlands cut into the property on the front. C. Voorhis stated that the pool could be moved east to move it further from the wetland, he asked the Board to look closely at the pool.

Motion by K Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of ODED NACHMANI.

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

On the application of **JOSEPH AMODEA**, 97 Meetinghouse Lane, present for the applicant was John Bennett. Since the last meeting, there have been six parking spots added. There is a total of three rental units on the property. Siamek Samii, the architect, is present. The addition of the space was not the issue, the parking was the concern. The parking plan meets the concerns of the Board. He presented a comparison from the previous plan and the new plan. The being able to head in and head out is the benefit. They do not need relief for the extra two spaces but will leave it to the Board. John Foster stated that since there are no new bedrooms, they do not need to upgrade the septic. They removed the pool, he is not saying they never will have a pool, but if they do it will require new septic. The pool did not require relief, but they did remove it because of the septic situation. Chair Devinney noted it is improved but it states pool equipment on the plans. That is an error and will be removed. He thinks that they addressed the Board's concerns. Counsel asked the setback of the easterly parking space. It is approximately 8' stated Siamek Samii. Counsel noted that it is 10' by code. They will make sure it is 10' so it complies with code.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of JOSEPH AMODEA pending submissions.

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

NEW CASES

On the application of **JOHN DANIELSON**, 30 Sanford Place, affidavits of mailing and posting were submitted. John Danielson was present. He is requesting relief from having 8 parking spaces. His tenant is an acupuncturist and he has no need for that many parking spaces. Counsel asked what the existing use of the property is. He is only out on the weekends and he does not own a car, his guests occasionally have one or two cars at the most. He rents to the acupuncturist so that he does not need to worry about interference when he uses the property. J. Danielson uses the upstairs and his tenant uses the basement. He showed 4 spaces on his request.

D. Guzewicz asked for a submission of the CO for the file. J. Danielson will obtain it from the Building Department. He is proposing office use on the first floor instead of two family. Counsel asked if he went before the Planning Board, he stated that he has not. The CO is a critical part of the file, they need to see that. Counsel asked what is in the barn; it is used as storage. Have they contacted the Building Department regarding the regulations for change of use? He had not. The Board noted that they must

redo the septic, they may need to relocate it out of the driveway. D. Guzewicz asked about the black checked area; that is handicapped parking space.

Counsel stated a floorplan would be helpful in the file. He is assuming that the first floor will be solely for the use of the tenant. The tenant explaining his proposed operation would be helpful, a change of use would change the parking. D. Guzewicz stated that there may be egress issues since it is a basement. M. Greenwald said they are looking at two surveys. J. Danielson stated that the eight-parking space is what they don't want, they want the 4 spaces. He submitted both. K. Guidera stated that the variance granted stays with the property, unless they write the decision carefully this could be a problem since the relief will be for four spots. His purpose is to use the space on the weekends and have the tenant use the basement, in the future it could be changed in his opinion.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of JOHN DANIELSON.

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

On the application of **71 TEA CUPS LLC**, 71 South Main Street, affidavits of mailing and posting were submitted. Present for the applicant was Chuck Bowman. This is a modification of an existing approval in September of 2017. That approval included a wetlands restoration plan that included significant invasives removal and revegetation along Lake Agawam. He personally met down at the site with the contractor and told him exactly how to remove by hand. He came down to check on the site and there was a Bobcat that cleared the whole restoration buffer. He was furious when he saw it and fired the contractor. He submitted a letter to C. Voorhis explaining what had happened. Moving forward they took the restoration plan and looked at areas that were disturbed. They will revegetate in the Spring the whole buffer. They expanded the revegetation area because of the action of the contractor.

C. Voorhis noted that since he is back, his request is since there was no high-quality vegetation in this area, but it does get out to Lake Agawam, he is wondering if the green areas can be something other than lawn. He is asking if there can be other species so there is no fertilization or minimal mowing. They specified eco grass, the client want access from the front to the back. C. Voorhis would prefer low mowing and less fertilization, that is more optimal. C. Bowman will go back to his client, both green areas need to be looked at. Counsel asked about the SE corner and the need for lawn. Right now, they store kids gear in that area. The name of the contractor needs to be added to the record per Counsel. If the materials are turned in by the work session, they can probably have C. Voorhis prepare a permit. C. Bowman will see that is done.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on 71 TEA CUPS LLC.

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

On the application of **DWIGHT YELLEM TRUSTEE FOR J. EHRlich TRUST**, 218 Pond Lane, affidavits of mailing and posting were submitted. Present for the applicant was Gilbert Flanagan. J. Zuhusky is recused from this application. This is an application for a wetlands special permit for a pool cover that is automatic. The pool cover is a safety issue and the wetland setback is 131' where 150' is required. D. Guzewicz asked if there is patio; it is just grass and coping per G. Flanagan. He submitted an aerial photo of the pool. They don't need to break the decking to install it. K. Guidera asked if this is the first or second house on the road. G. Flanagan noted that it is at the end.

C. Voorhis will cross reference the prior permit and have condition prepared.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of DWIGHT YELLEM TRUSTEE FOR J. EHRlich TRUST.

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

On the application of **JAMES GLEASON**, 128 Halsey Street, affidavits of mailing and posting were submitted. Present for the applicant was Gilbert Flanagan. J. Zuhusky was recused from this application. This application is to construct various additions and to remove a non-conforming garage and replace it with a more conforming, smaller one. The request for the pool is for a front yard setback of 32.1 where 40' is required, but it will be behind the house. This is a long narrow, corner lot. The proposal for pool and garage will be to the rear. The property is non-conforming. The lots on Cooper Street are long and narrow but run north and south and they are set back further. If you look at the north side that has one lot opposite that is same size and conditions. He submitted lot line plans of the street. The deck will be removed that had previous relief. They are not looking for total lot coverage relief, they are under GFA and no Pyramid Relief. They will remove a non-conforming existing Pyramid Law encroachments, they will fully conform. The survey of the similar lot is 16.4', they have 13.4', so similar very similar. Counsel asked if the comparable lot has a pool, G. Flanagan stated that no it does not. The prior variance on this property was for a deck on the east side of the house. That variance was from 1992. They will eliminate that deck but construct an addition in place of it, some of conforming and some not. There was a variance granted for a dormer, but it only added 29 square feet. They have not expanded the property by more than 50%. The architect site plan shows the calculations. Counsel asked how much of the dwelling is not conforming. G. Flanagan will get the calculation for that. The covered porch will be open on all sides. They plan to expand the living room, kitchen, mudroom and move one bedroom upstairs but not increase the total number of bedrooms. This property is heavily screened. He submitted an aerial of the property showing the screening.

He highlighted the number of pools in the area, there are 14 pools near this lot. This is a corner lot and it's long and narrow. The pool is not in the front yard, it sits 20' behind the house. He used the Moses Lane and Armande Lane as a comparable lot. It is a similar lot and was granted relief. He submitted that decision. The easterly 1/3 of the pool is where the garage will be removed. The garage will be smaller than the existing. The pool equipment will be proposed in the garage. D. Guzewicz asked about the structure off the kitchen. There is an existing pergola with a wood deck now. Kirk Lehman, the architect was present. M. Greenwald asked what addition is requiring the front yard setback relief. K. Lehman stated that the driveway enters from Cooper Street, they are creating an entry on that side, so they do not have to walk around the house to enter. The current kitchen is 10x11. The Board noted that they can give up the trellis area to move the kitchen closer to Cooper Street. They have pedestrian entry at Halsey street, they have a porch to enjoy that front lawn. Parking spaces will be 10' from property line. Front and side yard are 5' setback from Cooper Street. There is a sketch to show the parking. Nothing will be any closer to Cooper than what is existing. The old garage is coming down and the new will be more conforming and smaller. It is 28' long so that it will hold the pool equipment and one car. The architect will submit plans for the garage by the work session. M. Greenwald noted that the fireplace and chimney are not on the plan, it needs to be added. The architect will formalize the parking. There will be no higher massing for this house.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of JAMES GLEASON.

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

On the application of **MARCIA RIKLIS EXT TRUST**, 700 Meadow Lane, affidavits of mailing and posting were submitted. Present for the applicant was Gilbert Flanagan. J. Zuhusky was recused from this application. The proposal is for a single variance, it is a dune setback to 76.6', it is for a 135 square foot addition. It is to square off the kitchen area. No new facilities are being added. All the addition is over existing disturbed area. It is one story kitchen addition. No previous variance relief for the house has been obtained. The house is quite large, so it is well below 50%. They will not need coastal erosion relief. The dune is healthy in front of the house. Photos of the dune and Google Earth photos were submitted to show the dune.

There was a wetland special use permit. C. Voorhis asked has that all been installed. It is in the process of being constructed noted the architect, K. Lehman. D. Guzewicz asked about construction access. There is a breezeway to get to the area, they do not need to do excavation.

C. Voorhis stated it is very straight forward, he has not questions.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of MARCIA RIKLIS EXT TRUST.

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

On the application of **ERIC RAYMAN**, 50 Corrigan Street, affidavits of mailing and posting were submitted. Present for the applicant was Gilbert Flanagan. J. Zuhusky was recused from this application. This is to add a mudroom to the back of the house. The site plan shows the existing 23.9' setback, the proposed addition will be the same, it fills in a space in the back. It is 3/10 of a foot closer to the property line. The deck will be removed because it will be incorporated into the addition, it is attached to the kitchen. He submitted Google Earth photos of the property, the addition will go in the open L-shape. The neighbor to the east would be most affected. There is heavy screening and the addition would be adjacent to the neighbor's pool. There will be a deck with a roof, but open on the sides. Counsel asked for CO, he has the permit card which he submitted.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of ERIC RAYMAN.

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

On the application of **SOUTAMPTON BATHING CORP**, 14 Gin Lane, affidavits of mailing and posting were submitted. K. Guidera and J. Zuhusky were recused from this application. Present for the applicant was Gilbert Flanagan. This is a request for minor additions to existing facilities. They want to square off the existing storage building, they want to expand the row of cabanas over the existing deck. There is no additional lot coverage. They are making lockers; the real cabanas are much wider. It is mainly to store things that people use, paddle boards, etc. They need dune setback relief but should not create any disturbance. Dune pictures were submitted to show the health of the dune. The lockers are only 6' wide currently, so not that functional. The lot coverage is affected by two decks, they increase it by 1/10 of 1%, so negligible. They bring up total expansion of only 2%. They have submitted all the previous variances and CO's. D. Guzewicz stated that they are already over, are there areas that they can decrease lot coverage, have they investigated that. He's thinking that going forward they are already over. G. Flanagan feels it is very small. The two decks total 176 square feet. In the future, they may have to remove something for future expansion.

Counsel asked the coastal erosion line goes through the middle, he's wondering if relief is necessary for this. Gil Flanagan stated that he is under the 25% necessary for the coastal erosion permit. Counsel does not know the history, they may need to know how much has been down historically. With all the variances, the total expansion was at 1,033 square feet, they are way below 25%. That number given by G. Flanagan are all the variances and additions. Counsel would like that in writing for the file to prove that they are under that coastal erosion since they answer to the State regarding that and they are monitored. The proposed additions all comply with FEMA. He preferred to close subject to a letter that lays that all out.

Motion by D. Guzewicz, seconded by M. Greenwald

To close for written decision on the application of SOUTHAMPTON BATHING CORP pending written submittals.

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

K. Guidera and J. Zuhusky returned to the hearing.

On the application of **WILLIAM PAPAS**, 85 Huntting Street, affidavits of mailing and posting were submitted. Present for the applicant was Lisa Zaloga. This proposal is for a 349 square foot pool house. This lot is 40,000 square feet located in R40. Being a corner lot, it has two front yards, it has a two-story house and pool. The location of the pool creates an only space where she can place it. It is 68.9' off Pierpont, she needs relief for a 68 square foot portion of the pool house that would be non-conforming. She has proposed 14' high and hipped the roof to keep it low. She is way far away from the Pyramid. The pool equipment location will be in the basement of the pool house. The Google Earth image shows the properties surrounding have pool houses. The existing house has one door on the rear that opens into the living room. People must go through the living room to get to the powder room in the house. D. Guzewicz asked about 11', if they move it 2' closer they need less relief. She felt that 10' from pool would be necessary for construction. She's nervous about damage to the pool during excavation. The pool equipment is located on the side of the pool and the property is heavily screened. She purposely kept the pool house down to be less visible. It will be a kitchenette, sitting room and bathroom. Counsel noted it is 19x14. She is right at the rear property line. Chair Devinney stated that if she went toward Huntting Street she can catch that notch and place it there to limit relief. She was trying to keep it symmetrical. D. Guzewicz asked how the basement is accessed, it will have a hatch at the back. Chair stated that she can come over 2' toward Huntting. The patio will be feathered in and modified. She can move it closer to pool so there is less relief needed according to D. Guzewicz, J. Zuhusky feels it is tight. K. Guidera is okay with the proposed.

Andy Newman, neighbor to the east, noted that they share the concerns of the Board. They felt it could be moved 4' closer to the pool and be conforming. The property slopes from east to west and is almost up on a berm. It is 16' impact to the neighbor. The hedges are not well maintained so he hedgerow is not dense. They are concerned by runoff. Chair asked what they have adjacent to it. They have their pool next to their property line and 20'. They put their pool house on the east, they tried to minimize impact on neighbors. Chair asked what his wish would be. They would like the pool house smaller and moved 4' but will accept 2'. They appreciate the locating of the pool equipment in the basement.

Lisa Zaloga noted that there is nothing behind the pool house and it could act as a buffer between the neighbor's pools. L. Zaloga does not want to move it 2' but could move it by 1' and shrink it down a bit. D. Guzewicz noted that they can make it slightly smaller and they can put gutters on the back. The survey will be redone and reflect pool equipment in basement.

Motion by K. Guidera, seconded by D. Guzewicz

To adjourn for all purposes on the application of WILLIAM PAPPAS.

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

On the application of **WILLOW LN HOLDINGS LLC**, 90 Wyandanch Lane, affidavits of mailing and posting were submitted. Present for the applicant was John Bennett. The Board granted variance relief to allow the applicant to keep an additional cottage that had been traded off for other relief on the property. As part of the relief to maintain the third cottage there were conditions. The primary was that the main house was to be limited to 8000-9000 square feet. There was a covenant filed, if there were three cottages, they would maintain the house as 8000-9000 square feet. The other condition was to sink the preexisting tennis court. The neighborhood is concerned the effect of sinking the court will have on the trees that are in the street right of way. The applicant and the neighbors are concerned. There are 7 letters from neighbors, an affidavit from an arborist and Ed Hollander, the landscape designer, regarding the trees. He read a letter from the neighbor across the street, the one who would be most affected, they have no problem leaving the tennis court as is. His clients are requesting the lifting of this condition. Ed Hollander, landscape architect, is concerned as well. There would be 4-5 trees killed by sinking the court. There are two alternatives that have been provided. One is with additional screening around the tennis court. The other is a design that shows no additional screening around the court, but in exchange they proposed a decorative lattice fence. That would be if the Board approved no additional screening around the court.

The tennis court is pre-existing non-conforming. Chair Devinney asked did they have an arborist initially, because he feels the arborvitae compete in times of drought. Arborvitae next to privet will kill the privet. D. Guzewicz feels the impact is greater than just the tennis court with all that must be done to sink it. J. Bennett spoke with P. Fife and worked out a planting plan by the pool to cooperate with the neighbor. M. Greenwald asked if he thought about moving it to a conforming spot. J. Bennett stated that no he would not do that. Shifting 20' to east would have it conform and save the trees. K. Guidera stated that the tennis court has been there for a long time. M. Greenwald stated that all new tennis courts are now sunk, J. Bennett responded not pre-existing non-conforming. It was offered because he wanted to keep the third cottage. Chair Devinney noted that the Board may have been remiss to have missed it. M. Greenwald stated they are more attractive sunken. The tennis court has been there before 1980. M. Greenwald stated that if they could sink it and not destroy the trees that would be the preference.

Catherine Allen, counsel for Ms. Weymouth at 134 Wyandanch, noted that this decision was less than a year ago. The trees were existing when the decision was made, and the condition was made. That was to modify a 2011 decision, this is the second request to modify this Board's decision. This pool was part of the site plan originally. The pool is her client's real issue. She did not oppose the 2017 site plan because the pool was going to be 120' further from her property. K. Guidera stated that the pool is not before the Board. The pool is conforming, it was never a condition.

The pool does not need relief, her client would like more screening. Counsel asked does the client want more screening because of the tennis court not being sunk. If they change the condition does her client want more screening. The field of view doesn't include the tennis court. D. Guzewicz stated that the neighbor didn't come before them because the pool site plan was further from her house. They weren't able to make the argument at the original hearing. The neighbor didn't come because she wasn't concerned with the placement of the pool.

C. Allen states that her client cannot plant a buffer because of limbs from her neighbors' trees. The Board noted that limbs that are coming over her property can be pruned so she can screen on her side. Chair Devinney stated that as neighbors they can discuss screening. J. Bennett stated that the plantings are dense, and it being installed now. Chair Devinney stated her client is getting screening.

D. Guzewicz asked about the screening or decorative fence for the tennis court? There is a plan that shows it. It is a high heavy lattice. The fence would be inside the hedge. You'd see a stockade fence and you would see decorative lattice. Counsel asked about removing the stockade fence that is in bad condition and then just have the privet and use the lattice fence around the tennis court. Counsel stated that what they proposed should be looked at by the arborist to make sure it works. The hedge is well established. The Board liked the lattice fence and remove the stockade fence option.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of WILLOW LN HOLDINGS LLC.

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

On the application of **472 FIRST NECK LANE LLC**, 472 First Neck Lane, affidavits of mailing and posting were submitted. W. Bruyn is recused from this application. Present for the applicant was John Bennett. This is an attempt to make the applicant and neighbors happy. The Board granted an approval, the lawsuit ensued, that has been withdrawn. There were some understandings of what would happen with the withdrawal. They are asking for a modification of the prior approval. Nothing is coming closer to the wetlands other than the existing house, they are getting rid of a non-conforming guest house and installing an IA sanitary system. There will be an increase of porches by 608 square feet. The porch will not be located closer than the existing house.

C. Voorhis agrees with what John said. The driveway moving back further, the IA and 50' buffer stated that there is a net benefit to this plan. All the improvements are farther than the existing house. Architecturally this is a much different character, it's a more pleasing outcome. He's happy to write a decision to recognize the change.

Motion by K. Guidera, seconded by D. Guzewicz

To close for written decision on the application of 472 FIRST NECK LANE LLC.

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