

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
FEBRUARY 18, 2020
WORK SESSION**

Due notice having been given, the work session 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 Tuesday, February 18, 2020 at 6:00 p.m.

Board members Rob Devinney, Mark Greenwald, Kevin Guidera, and Dan Guzewicz and Julia McCormack were present.

Counsel for the Board David Kirst was present. Environmental Planning Consultant Chic Voorhis was absent.

PENDING DECISIONS

On the application of **JAMES BRACKEN**, 20 Downs Path, there is a written decision in the file. Decision is favorable.

On the application of **71 WALNUT STREET**, 71 Walnut Street, there is a written decision in the file. Walnut Street is getting a negative on the pool.

PENDING CASES

On the application of **ANDREW & DANA STONE**, 527 Meadow Lane, D. Guzewicz thinks that no wall is the right decision, in the upland he feels it's okay, but they would never allow in the wetland now. The neighbor's house is not in jeopardy. The neighbor feels that if the wall went away, she'd lose beach, she may have beach because of the wall but nature is interrupted.

On the application of **LIFTON GREEN LLC**, 765 Hill Street, D. Guzewicz asked if it can be removed from their agenda. The ARB removed from the agenda until something revised is submitted. Adjournment request in the file until March. D. Kirst feels leave it on until submission to ARB.

On the application of **MEREDITH JOYCE TRUST**, 765 Hill Street, the Board is comfortable with the location but not the variance for excessive GFA.

On the application of **COMMUNITY BAPTIST CHURCH**, 16 Rev Raymond Lee Court, this is a legislative issue and J. Bennett will pursue it that way with possible rezoning or overlay.

On the application of **LAMBARE NY LLC**, 135 Toylesome Lane, the application was withdrawn.

On the application of **RICHARD DEL' AQUILA**, they are asking for a small amount of pyramid relief on the garage. R. Devinney asked if design could solve the problem. D. Guzewicz stated they can do a hip roof to take care of the problem. They are asking for side yard setbacks, K. Guidera asked can they shift it over a bit. D. Guzewicz stated the owners felt it would be more difficult to pull into the garage if they don't have the relief. The driveway is tight. R. Devinney asked if the garage is really a garage. It is a one car garage with a bathroom that is proposed. They are using the garage as a pool house as well. They

have allowed bathrooms in garage on other properties. As long as there is no sleeping or cooking according to code it is an accessory per Counsel. Counsel said if it is over 500sf then it wouldn't be allowed, but what they are requesting is not against the code. Counsel stated this has a separate entrance from the garage, perhaps that changes it. D. Guzewicz doesn't have a problem with the garage. Sky plane issue and setback of garage are a problem to the Board.

On the application of **SOUTH LANE PROPERTIES LLC – RE: 72 GIN LANE**, the applicant is claiming that their property would be worth 5 million less without the large house. Counsel stated the first step is to decide whether or not the neighbor has standing to challenge as an affected neighbor who has injury, then it can be referred to the Building Department or Planning Board. R. Devinney asked if the properties are contiguous, it was noted they are separated by a thin flag lot. K. Guidera said that they can't overturn the Planning Board, but Counsel stated that one of their alternatives was to ask the Planning Board if it violates their covenants. They can say they don't have standing to challenge or they can look at the evidence and determine that they do have standing and go forward that way. D. Guzewicz asked if the house that is there meets the current zoning. Counsel feels that under current zoning most likely no. J. McCormack feels that there is no chance it would meet FEMA requirements now, Counsel stated that is part of his argument that they had to raise it. M. Greenwald agrees with D. Guzewicz question because they may never approve it now. Counsel stated that it was granted a building permit; or should they have been referred back to Planning Board or ZBA. It is non-conforming location, but they had permission to reconstruct in the same location. The existing covenant was not taken into consideration when they obtained the building permit. Counsel stated that J. Bennett's contention would be that rebuilding the house in same footprint was compliant with the covenant. The Board feels it belongs with the Planning Board. R. Devinney noted they have a COO on the house. D. Guzewicz feels that the house built was not explored for covenant, he feels it was overlooked. This was signed off by John Foster. D. Guzewicz feels it may be that he didn't follow the right procedure in this case, but permit was issued with knowledge of the covenant. This house complies with FEMA, J. McCormack feels it is so close to the dune with the current setbacks. D. Guzewicz feels that location to the dune is a problem for him too.

On the application of **LAKE AGAWAM CONSERVANCY**, First Neck Lane, they are asking for the same relief given last Fall. But they want to keep digging in April, J. McCormack asked if C. Voorhis had a conversation about the efficacy of doing it in the Spring, Counsel believes that he relayed that to the applicants.

On the application of **DPB SOUTHAMPTON LLC**, 70 South Hill Street, this is the one with the dipping pool given relief and they want to make it a pool. This is the same circumstance as the one on Walnut Street that the decision is not favorable. The problem is that they cannot sell the house. This is the third or fourth attempt for a pool for this house. M. Greenwald noted that this was a clean slate, if the pool was the priority then the house should have been designed to try for a pool but they wanted to max out house on the lot. When you have a clean slate then you can possibly make it work with construction. There are seven neighbors that surround, there is a letter in the file from four of the neighbors in opposition.

NEW CASES

On the application of **AESO REALTY LLC**, 145 Coopers Farm Road, this is for an application to go over the square footage but are not exceeding their lot coverage. M. Greenwald wonders if that is okay because

it is not first floor and an existing house. D. Guzewicz feels that if you are just building over your own envelope without expanding lot coverage or Pyramid violation. Asking one variance for 474 square feet.

On the application of **SOUTHAMPTON REAL ESTATE CORP**, 80 White Street, this is an application to turn this property from commercial to residential. The ZBA recently allowed a residential home to be built on a lot zoned commercial, that it located two house down. There are several businesses in it, and it is burdensome parking wise. They don't plan on building out the house anymore. There are two problems, there is no room for a pool. Also, there are multiple signs in violation without permit. Nicholas Alimanestianu was present, and he stated that two large signs were permitted, the other smaller ones have been removed. They are not asking for a variance for a pool, the pool is existing, and they need COO on the pool to be part of the file. The pool that is there is a reflecting pool according to the owner. R. Devinney asked if they need anything else from the owner to provide to the Board. D. Guzewicz asked if he meets parking, there are 8 parking spaces. They are not changing anything to the outside according to N. Alimanestianu. M. Greenwald noted the survey is 15 years old, Counsel stated it isn't required to update. Counsel stated that code for pool is anything over 100 square feet and more than 18" deep should have a permit and it considered a pool.

On the application of **JAF 160 OX PASTURE HOLDINGS**, 160 Ox Pasture Road, they want expansion of the non-conforming use to allow a two-story nonconforming preexisting garage with an apartment. To convert 1420 of habitable space to a non-conforming addition of 1330 square feet thereby increasing the nonconforming use by 107%. There was a prior decision in October 2003 to allow garage converted to carriage house. K. Guidera asked if there were conditions, Counsel stated that they do have conditions and the size was not to be increased without a variance which is why they were returning to this Board.

MOTION by Chair Devinney, second K. Guidera

To close the meeting.

On Vote: R. Devinney, M. Greenwald, K. Guidera, D. Guzewicz and J. McCormack

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk