

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
MAY 23, 2019
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, May 23, 2019 at 6:00 p.m.

Board members Chair Rob Devinney, Mark Greenwald, Kevin Guidera, Dan 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.

MINUTE APPROVAL

MOTION by K. Guidera, second D. Guzewicz

To approve the minutes for the April 25, 2019 public hearing.

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

ADJOURNMENTS

On the application of **SPUR**, 630 Hampton Road, there is a letter requesting adjournment.

MOTION by K. Guidera, second D. Guzewicz

To approve the applicant's request for adjournment on the application of SPUR.

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

On the application of **AKIVA GOLDSMAN SEPARATE PROPERTY TRUST**, 1431 Meadow Lane, there is a letter in the file requesting adjournment.

MOTION by K. Guidera, second D. Guzewicz

To approve the applicant's request for adjournment on the application of AKIVA GOLDSMAN SEPARATE PROPERTY TRUST.

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

On the application of **ANDREW & DANA STONE**, 527 Meadow Lane, there is a letter in the file requesting adjournment.

MOTION by K. Guidera, second D. Guzewicz

To approve the applicant's request for adjournment on the application of ANDREW & DANA STONE.

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

On the application of **JOHN DANIELSON**, 30 Sanford Place, this application is adjourned to the June 27, 2019 public hearing.

PENDING DECISIONS

On the application of **CAPTAINS NECK REALTY, LLC**, 509 Captains Neck, there is a written decision in the file.

MOTION by D. Guzewicz, second J. Zuhusky

To approve the written decision on the application of CAPTAINS NECK REALTY, LLC.

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

Nay: K. Guidera

On the application of **PHILIP EDWARDS**, 86 Pine Street, there is a written decision in the file. J. Zuhusky is recused from this application.

MOTION by K. Guidera; second D. Guzewicz

To approve the written decision on the application of PHILIP EDWARDS

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

Recused: J. Zuhusky

On the application of **MERCEDES COUNIHAN**, 21 Hillcrest Avenue, there is a written decision in the file.

MOTION by K. Guidera; second D. Guzewicz

To approve the written decision on the application of MERCEDES COUNIHAN.

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

PENDING CASES

On the application of **PHILIP AND LINDA SIMOTAS**, 1485 Meadow Lane, there is a letter from C. Voorhis in the file, as well as a prepared permit in the file. C. Voorhis stated that it is for a kayak dock which extends over the wetland to a lagoon in Shinnecock Bay. It is elevated and open grate for vegetation growth. The setback does not exceed the navigable width of the lagoon and it has stairs to go down to kayaks. It is consistent with others in the neighborhood that have been granted.

Rob Herman, En-Consultants was present for the applicant. It is similar to approvals in the past. It is approved by all necessary agencies and they have the DEC permit and SH Trustees approval, still in posting for Army Corps of Engineers. They are at the end of permitting process. Those permits are the in the file per C. Voorhis.

Steve and Laura Manaheimer, owner of neighboring property, they have a good relationship with their neighbors, however, they are opposed to this application. They have a pristine view with no human impact. Their houses are close together. The purpose of their dock is to kayak, but they feel the structure is large and too high, out of proportion to the surrounding. They feel that the value of their property will be affected negatively. They feel it is unnecessary to have for the purpose of kayaking.

D. Guzewicz asked if the elevated walk really protects the wetlands as opposed to a path. C. Voorhis stated that it will have a negative effect on the wetlands to have a path, walking or dragging a kayak over the wetlands will have a negative effect. C. Voorhis stated that perhaps R. Herman can investigate shortening the length of it, perhaps there are other options. Chair Devinney asked if it needs to be 4'

high, C. Voorhis stated that it does. He noted that the pillars are higher than the dock itself, is that necessary. The height of the pillars is not their problem, it is the height of structure itself. S. Manaheimer states that they are diligent in caring for their property. The boardwalk isn't better in his opinion. They've had their own path for 25 years. Counsel stated the path may not be legal; it needs to be permitted by DEC. They provided a picture of their view currently and a picture of their kayak access.

R. Herman addressed the questions raised; a photo was presented that showed the area that was cleared to high marsh. In terms of the length, they have made it as short as possible to get over the wetland. It is 86', the purpose is having a structural access over the marsh. It is a question of access to the water. Limiting these structures prevents regulation of the wetlands for access to the water. A kayak shown on a path shows the destruction of the wetland below. The open grate decking provides for growth of the wetland's underneath. To get the most environmentally correct way of constructing, it is this manner. The Army Corps of Engineers will not budge on this 4' requirement, they have tried to go lower and there is no literature that represents a lower dock is as beneficial. D. Guzewicz asked in the last ten years have they approved a path; no they do not approve paths. All necessary agencies have signed off on the design. S. Manaheimer stated that the ice in the winter crushes the wetland plants, so what you are seeing in the picture is not destruction of the wetland but crushed grass from winter snow and ice.

MOTION by K. Guidera, second D. Guzewicz

To close for written decision on the application of PHILIP & LINDA SIMOTAS.

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

On the application of **LIFTON GREEN, LLC**, 270 Ox Pasture Road, John Bennett is present for the applicant. M. Greenwald is recused from this application. This application is pending a report from the ARB. He wanted to present a decision for when the Board allowed the Mitchell residence to be changed to use as a guest house with a new primary residence being built. It's very similar to their application. They want to keep the structure in its original form. At the last ZBA meeting Mr. Grace appeared and he thought they prepared an excellent plan; he asked the utility pole to be moved if possible. He also said that he didn't enjoy the view of the house currently, it will probably have less of an impact on them if it were moved.

At the ARB, their counsel stated that they did not support moving the structure. It is strange that they had an issue since Mr. Grace responded to D. Guzewicz question about their support of moving the structure in a positive way. Ms. Van Jean is their counsel, her comments at the ARB are contrary to the comments made by Mr. Grace at this hearing. Many times the historic view is the location, this house would not be seen with the newly built house. For this historic home to be viewed the move would be beneficial. This is before the ARB and they await their report.

MOTION by K. Guidera, second D. Guzewicz

To approve the applicant's request for adjournment on the application on LIFTON GREEN, LLC.

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

Recused: M. Greenwald

On the application of **RED MAPLES, LLC**, 261 Great Plains Road, there is a letter in the file to withdraw this application.

NEW CASES

On the application of **SCOTT TOGETHOFF**, 261 North Main Street, Richard Stott the architect was present for the applicant. Affidavits of mailing and posting were submitted. The house is located on Skinner and North Main. The eastern portion where there is a covered porch, they want to extend by 3' to make it more useable, the deck is extended 3' and they are extending the roof and adding steps all around. The porch will be 332 square feet, the setback needed is 2.85' where 30' is needed. The zone is R12.5. M. Greenwald asked if the second floor is remaining the same; it is but the roof over the porch is changed. D. Guzewicz is bothered by the 28' of stairs, he doesn't mind expanding the porch, but the wrapped stair seems too much. R. Stott stated the walkway and the bushes will just move over, it won't be a huge difference, D. Guzewicz stated it will affect Skinner Street more. On the rendering there are no steps on one picture, and they are shown on the other rendering. The existing trellis will be extended 3' as well. The steps come into the front yard and then the steps go out much farther, D. Guzewicz feels it encroaches 8' out with structure, it is a problem for him. The porch is 35" from grade, but it is not level. No steps would require a railing.

There was an 1980's addition that had a cut out that became a door that leads into the kitchen, they want to fill in the corner and make an entry on the west side, the relief requested is 36 square foot addition to square off the house, that needs a relief of 29' where 30' is needed. D. Guzewicz can't find the measurement of where this starts off Skinner. The proposed addition is shaded on the plan. There is a 126 square feet relief of roof extension. The setback of the porch roof is not on the survey.

Counsel stated that there are revisions needed on the survey, they need the setbacks of the porch roof and the proposed porch. There is a non-conforming shed on the property noted D. Guzewicz. They need a copy of CO for the file as well as prior decisions, and revisions of the survey needed. M. Greenwald has a problem of transforming the contained porch to an open more intrusive porch onto Skinner. The setback on the north is what it is according to K. Guidera. R. Stott asked can it be held open until ARB.

MOTION by K. Guidera, second D. Guzewicz

To approve the applicant's request for adjournment on the application of SCOTT TOGETHOFF.

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

On the application of **TWOMEY LATHAM SHEA KELLEY DUBIN & QUARATARO**, 200 North Sea Road, present for the applicant was Patrick Fife. Affidavits of mailing and posting were submitted. Their firm moved into 200 North Sea Road. Seeking a variance for a free-standing sign, complies in all respects to setbacks, it meets size requirements, the problem is that it is an unusual layout of the structure on the property. It is set back more than 40' from Prospect Street, but the setback from North Sea Road is 1.1'. The sign will be at an angle at the intersection. The relief necessary is relief from the wester property line where 40' is needed but building is 1.1'. They are 20' away from property with the sign. The sign will be over 40' from both roads, the Board has granted similar relief in the past on North Sea Road and White Street. The elevation is 5-6' above the road. There is a large buffer which really necessitates the sign. There are two other tenants in the building and D. Guzewicz asked what if they want signs. They have not requested signs. The sign is 16 square feet, not as large as what is allowable which is 24 square feet.

M. Greenwald asked what are the options that don't need a variance, P. Fife noted that they don't have any option because of not having the 40'. Counsel Bruyn asked if there are any signs on west side of the

building, the numbering is there but no sign. Can they put a sign on the side of the building; P. Fife noted that they prefer a more visible sign. Chair Devinney asked about the sign by the art gallery on the other side, is that legal. P. Fife stated he wasn't sure, but that sign is very big, his sign is less. It's consistent with the character of neighborhood. The angle of the sign seems to be the issue. Counsel asked would they entertain not putting signs on west side of the building. M. Greenwald asked can they put it on the west side of the building and not need a variance, it is pushed back further in a location that is less visible if they do that. D. Guzewicz does not like the white legs on the sign, he feels maybe change the material, paint them or landscape them. He feels doing that will soften the sign. There will be no lighting of this sign. P. Fife noted that they must go before the ARB anyway if approved and they will note those things at that time.

MOTION by K. Guidera, second D. Guzewicz

To close on the application of TWOMEY LATHAM SHEA KELLEY DUBIN & QUARATARO.

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

On the application of **1 BOATMANS LANE LLC**, 1 Boatmans Lane, present for the applicant was Robert Herman, from En-Consultants. Affidavits of mailing and posting were submitted. This is an application for a wetlands permit, and no zoning variances are required. There is a similar permit that was issued for a previous addition that was never completed. The current project eliminates the second story detached addition, there will be an attached two-story addition of 1467 square feet to a western setback of 85.8 where 150' is required. The detached deck will be removed and will be replaced with a southern attached deck. There is a 418 square foot expansion of swimming pool patio. There is a roof ridge elevation to increase head room for habitable space, they will raise that to 27.17'. As mitigation, they are proposing wetland changes, most notably there were two traditional septic systems, both were in the setback. The IA system (2) within the wetland but the tank will be out of the wetland jurisdictional area. They reduce lot coverage by impervious surfaces, they will replace with pervious gravel driveway. They propose the exact same buffer of the prior approval that never went forward. They did not submit a plantings plan because they desire feedback from C. Voorhis, if approved they will submit a plantings plan.

Counsel asked how the sewage flows; there is a force main that pumps waste from IA units to leeching field. The Health Department has reviewed the system and they need to submit wetland approvals to go forward. The last approval was in 2008. There is some regrade around the leeching field. There are a few proposed contours. There is a retaining wall, counsel asked height, it is 2.5' tall with a hedgerow along it. D. Guzewicz asked if C. Voorhis walked the wetland. He had and he delineated the wetlands, this will supersede the prior approval. Is the 2008 plan adequate or have there been changes since then that will be necessary? C. Voorhis doesn't feel like it is more aggressive, the reduction of the driveway is a notable improvement, the drainage is an improvement and IA system is a large improvement.

R. Herman noted that with the contour by the wetland they wanted to straighten out the line, he will speak to his client and that would most likely be acceptable. M. Greenwald asked to see the vegetation buffer, he had an image and map reflecting that. The proposed buffer is noted on the survey, there was no extension of the line in the other direction. The new buffer line is straightened out, they added a substantial area of buffer, it picks up naturally vegetated area. He doesn't see any issue with what C. Voorhis has proposed. M. Greenwald stated that the area does flood, is that enough or is more buffer needed. The proposed improvements are on the landward side of the house, it seems to C. Voorhis that there are a lot of improvements. C. Voorhis asked if the numbering of the home changed because the

last permit was 67, now it is number 1. R. Herman was unsure but needed to confer with his client and get back to them regarding their concerns.

MOTION by K. Guidera, second D. Guzewicz

To adjourn for all purposes on the application of 1 BOATMANS LANE LLC.

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

MOTION by K. Guidera, second D. Guzewicz

To close the meeting.

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

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk