

**ZONING BOARD OF APPEALS  
VILLAGE OF SOUTHAMPTON  
JULY 25, 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, July 25, 2019 at 6:00 p.m.

Board members Chair Rob Devinney, Mark Greenwald, Dan Guzewicz and James Zuhusky were present. Kevin Guidera was late.

Counsel for the Board Wayne Bruyn and Environmental Planning Consultant Chic Voorhis were present.

Chair Devinney opened the meeting.

**MINUTE APPROVAL**

MOTION by J. Zuhusky, second D. Guzewicz

**To approve the minutes for the June 27, 2019 public hearing.**

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

**PENDING DECISIONS**

On the application of **SCOTT TOGETHOFF**, 261 North Main Street, there is a written decision in the file.

MOTION by J. Zuhusky, second D. Guzewicz

**To accept the written decision on the application of SCOTT TOGETHOFF.**

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

On the application of **CAPTAINS NECK 1, LLC**, 455 Captains Neck Lane, there is a written decision in the file.

MOTION by J. Zuhusky, second D. Guzewicz

**To accept the written decision on the application of CAPTAINS NECK 1, LLC.**

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

On the application of **TWOMEY LATHAM**, 200 North Sea Road, the applicant desires reconsideration of written decision.

MOTION by J. Zuhusky, second D. Guzewicz

**To accept the applicants request for reconsideration of written decision on the application of TWOMEY LATHAM.**

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

**ADJOURNMENTS**

On the application of **RED MAPLES LLC**, 261 Great Plains Road, there is a letter requesting adjournment.

MOTION by J. Zuhusky, second D. Guzewicz

**To accept the applicants request for adjournment on the application of RED MAPLES LLC.**

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

**To accept the applicants request for adjournment on the application of ANDREW & DANA STONE.**

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

On the application of **LIFTON GREEN LLC**, 270 Ox Pasture Road, M. Greenwald is recused from this application. This application is pending advisory report from the ARB.

MOTION by J. Zuhusky, second D. Guzewicz

**To adjourn for all purposes on the application of LIFTON GREEN LLC.**

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

Recused: M. Greenwald

On the application of **MEREDITH JOYCE TRUST**, 765 Hill Street, this application is pending advisory report from the ARB.

MOTION by J. Zuhusky, second D. Guzewicz

**To adjourn for all purposes on the application of MEREDITH JOYCE TRUST.**

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

## **PENDING CASES**

On the application of **SPUR**, 630 Hampton Road, this application has been adjourned many times and the Board will deny the application without prejudice.

MOTION by J. Zuhusky, second D. Guzewicz

**To deny without prejudice on the application of SPUR.**

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

On the application of **JOHN DANIELSON**, 30 Sanford Place, this application has been adjourned many times and the Board will deny the application without prejudice.

MOTION by J. Zuhusky, second D. Guzewicz

**To deny without prejudice on the application of JOHN DANIELSON.**

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

On the application of **MICHAEL & SYLVIA RUTHERFORD**, 33 Layton Avenue, present for the applicant was Mary Jane Asado. At the last hearing M. Greenwald questioned the GFA with the new addition requested. Since that hearing B. Brady, the architect, measured and all the calculations for the GFA shows even including the dormer, the maximum GFA allowed is 2,740.8 square feet. The proposed is

2,696.24 square feet, so under the maximum allowed. The proposed dormer will not exceed GFA. This is MF20, if this was 7.5 residential, they would not need front yard variance. The real issue last time was the GFA. The letter from G. Flanagan dated 7/22/19 is in the file per counsel, that memo shows the GFA calculations as measured by architect B. Brady. The dormer is at 29.2 feet rather than 27. Counsel questioned the dormer since there has been prior relief granted and they are seeking 53.9% expansion.

MOTION by J. Zuhusky, second by D. Guzewicz

**To close for written decision on the application of MICHAEL & SYLVIA RUTHERFORD.**

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

On the application of **CONSTANCE HUNTER**, 170 Pulaski Street, present for the applicant Mary Jane Asado. At the last hearing D. Guzewicz had concerns regarding access to the garage and the window wells along the driveway, as well as an existing hedge along the driveway making it very narrow. As a result, there were modifications made to site plan, the window wells were moved from that side of the house. There was a shed that has been removed. This purpose for the garage is so the owners can store their car off season in a sheltered place. The garage backs up to a neighboring garage/shed. Counsel asked if there is a bathroom in the pool house, there is, and G. Flanagan had submitted the building permit for that as part of the file. That conversion was part of building permit #12694, dated 12/13/18 from the Building Department. That permit was for the house, barn conversion, as well as the pool.

Counsel stated that there are questions regarding that permit. M. Greenwald asked can plans of pool house be submitted. MJ Asado will submit those plans. B. Brady stated that pool house was a pre-existing non-conforming barn that was converted and is about 800 square feet. The building permit for that barn was 12/13/87. D. Guzewicz stated they need a variance for change of use for this barn to pool house. D. Guzewicz stated a building permit should not have been issued before coming before this Board for that conversion. B. Brady states he's done many conversions of barns to pool house. Counsel asked has he done them for non-conforming structures; he stated, yes, some of them. The new garage is at the 10' on rear setback and just asking for side relief of 5', the pool house is at 8.5' off property line but was preexisting. M. Greenwald wants plans for the pool house, non-conforming with size and location. It is 710 square feet corrected B. Brady. D. Guzewicz is not in favor because there are two non-conforming buildings in non-conforming locations, he feels it is too tight. Chair and J. Zuhusky agree as well. M. Greenwald mentioned the possibility of connecting the garage to the main house, but B. Brady noted it will alter the symmetry and face the garage doors to the front. MJ Asado requested adjournment to provide the requested plans.

MOTION by J. Zuhusky, D. Guzewicz

**To approve the applicants request for adjournment on the application of CONSTANCE HUNTER.**

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

## **NEW CASES**

On the application of **PETER YONGVANICH**, 169 Elm Street, present for the applicant was Siu Liu. Affidavits of mailing and posting were submitted. This application is asking for side yard relief for a detached garage, seeking 6' instead of required 10' for side yard setback. It is a very narrow lot, only 50' wide, the neighbor on the side of relief wrote a letter of support. William Finnegan is in support and there is a letter in the file from him. Barbara Wilson is not supportive; there is a letter from her attorney in the file. Barbara Wilson resides on the south, she contends that she was not properly noticed, she

stated in her letter that the proposed additions will be 12' from her home and is opposed to the windows that will overlook her home. S. Liu noted that this letter is for the ARB and is addressed to them.

Counsel stated that he doesn't see existing survey or CO for all the structures on the property. She did submit a variance for the addition in 1972. There is a storage shed in the 1972 variance, which doesn't appear to be in same proximity to the house and shed was expanded greatly. Counsel is asking for the CO's for all the structures on the property, the shed has grown and garage on south side is no longer there. The Board needs the surveys, it will help the Board understand what is going on with this property. The configuration shown to the ZBA is a different configuration on survey of existing house. The shed was greatly expanded, there was expansion in 1993. Siu Liu stated she needs to do more research. It could have been an illegal addition. The building is non-confirming, she spoke with both building inspectors and they said they always allow it and it shouldn't be an issue to convert to pool house. The Board noted that shed use has no activity per se, but the pool house is an active use. They will be reconstructing it in total, not renovating it.

D. Guzewicz wants plan of shed and pool house to make sure it's the same as existing. Counsel states she needs to find out if its legal to begin with. If, tearing down, maybe there is a more appropriate location that is conforming; S. Liu noted that they like the location. They want to rebuild it 2.6' off the property line where it currently exists. They want to build another non-conforming structure 5' off the property line. Chair states that she needs to provide a CO for all the structures, a copy of variance from 1973. M. Greenwald states the shed was a lot smaller before, it is a 26' shed where it was 12' originally. There is discrepancy from old survey and new one. Counsel stated that the shed grew by a lot. Copy of survey with existing conditions and pictures of the shed needs to be submitted. K. Guidera feels that there is a lot on this property and how did the shed get bigger. The shed is being replaced and the use is changing. Counsel stated that we start with legality.

The Pyramid Relief requested is not necessary, she found that the Building inspector determined per the existing building code that it is unnecessary. The code shows that in the case of a lawful pre-existing, the height may exceed if it does not exceed highest point of roof on the existing dwelling. Chris Talbot will need to add that in writing to the file stated Counsel. Photos of shed and floor plan of pool house as proposed per M. Greenwald. Plans for garage were submitted. Counsel asked about door and windows on east side, they are glass sliders. The east has sliding doors to the garage for aesthetics. Chair asked if there was water in garage, S. Liu stated no. The pool house is included in the GFA. There are no calculations of GFA on the plans noted M. Greenwald. Floor plans and elevations for pool house and pictures. Crawl space for pool equipment is part of the plans with max height of 5'. M. Greenwald stated the Board seems to feel there are too many non-conforming structures on the property. D. Guzewicz mentioned that possibly they could do a garage/pool house combination, but S. Liu thinks that if they do that it all counts toward GFA. The Board asked her to check that because garage never counts toward total GFA.

Barbara Wilson, the neighbor to the south, she would like her attorney's letter addressed to the ARB to be part of this ZBA file. She states that she did not get a mailing until yesterday. She'd asked that letter be adapted to ZBA. She'd rather have her attorney speak for her regarding the application.

S. Liu states that the proposed is 12' from side yard setback, it is within the zoning allowed.

Leah Yongvanich, owner, asked about them feeling there is too much on the property. M. Greenwald noted that there are currently two non-conforming structures is his concern. The two structures are there, they are not moving them according to L. Yongvanich. M. Guzewicz is not convinced that they can't find a conforming location that makes an improvement to the property. Chair stated that the pool could be shrunk. Shrinking it may make the pool house conform. S. Liu feels that it is a small request and the change makes the garage useable. M. Greenwald feels the pool house is the most obnoxious and is a luxury. Siu Liu states it has been allowed left and right, and they didn't feel it would be a problem.

Barbara Wilson stated C. Highsmith asked about an old map, she doesn't know what that means. S. Liu stated that there is an old map from the Village and that the original house shows on that map, it is really an ARB issue. K. Guidera asked the ARB status, she stated it is pending.

MOTION by K. Guidera, seconded by D. Guzewicz

**To approve the applicants request for adjournment on the application of PAIRAJ YONGVANICH.**

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

On the application of **640 OX PASTURE LLC**, 640 Ox Pasture Road, present for the applicant was Lisa Boyer from Inter Science, this application is modification to a prior wetlands permit. The pool, main house and tennis court are under construction. Affidavits of mailing and posting were submitted. There is just some modification regarding the location of the detached garage, for this application they hope to turn the garage 90 degrees and the doors will face east. As part of application the driveway will be relocated further away from the wetland. They want a parking area at the back to turn around. The tennis court and main location of the pool are all in the same place. There is a comparison table to show all the approvals and the as built construction. They are asking for small relief on many constructed structures that were off the initial requested. The main house has a setback of 75.3'; the terrace has '66'; the proposed garage will be 132.9'; the swimming pool is 80'; pool patio is 75.8' the parking area is 145'. L. Boyer had a table that showed the previous calculations versus the as built. The Board asked what accounted for the errors from the original requests; L. Boyer stated she's not sure.

The retaining wall protects from big trees on the neighboring property that has different elevations. Counsel stated that previous plan had parking court and driveway extends all the way to the south behind the tennis court. She states that it is for additional parking on the property. The hedge is on the property line. D. Guzewicz asked about the depth of the drywells, are they deeper than the sunken court. She stated they have DEC approval. C. Voorhis states that has not changed from the original application. The test hole that was done seems to work. The garage and driveway are the only changes proposed. But they need minor variances for construction errors from what was approved, and they are closer to the wetland. D. Guzewicz asked C. Voorhis does it all work with the drainage from all the driveway. The question about the test hole, the depth is 8.75' and water is 7', the drainage will be below 3', running out of vertical distance. The house is constructed and does not need relief. Counsel asked if there is fill that will be added to the tennis court. They are showing grade around the tennis court at 9'. Looks like drywells are 1.5' deep, C. Voorhis stated. C. Voorhis question is regarding the landscape plan and it included a retaining wall, is that a plan change. The location of requested wall may not be needed, since approach is further from wetlands, they may not need to install it. C. Voorhis stated they will need to know for sure if it will be needed and would like it before the modification. He also feels if it is not needed, show that consistent with what they are going to build. Show a cross section of drywells and see if that needs to be modified. It is slightly better but more of a trade-off per C. Voorhis. It's a wash as to wetland benefit. He had question regarding the trees and the retaining wall

that is proposed, regarding height and possibly add to landscape plan. C. Voorhis asked if the Board has concerns. D. Guzewicz is concerned where the test hole is in comparison to where the driveway drainage, he feels it is farther from wetland. L. Boyer stated that they will install a new one closer to the drywells closer to the garage. Counsel stated to clarify any fill in the areas on the plans. The comparison table as to approved and built is part of the file.

MOTION by K. Guidera, second D. Guzewicz

**To approve the applicants request for adjournment on the application of 640 OX PASTURE ROAD.**

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

On the application of **BLC HILLSIDE INVESTMENTS LLC**, 132 South Main Street, this is a new application, but they do not have the affidavits of mailing and posting. This will need to be properly noticed before the next public hearing.

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:

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JoLee Sanchez

File Date: \_\_\_\_\_

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Village Clerk