

**ZONING BOARD  
VILLAGE OF SOUTHAMPTON  
JULY 26, 2007**

Due notice having been given, the public hearing of the Zoning Board of Appeals of the Village of Southampton was held in the Board room of the Municipal Building, 23 main Street, Southampton, NY on Thursday, July 26, 2007 at 7:30 pm.

Chairman Kevin Guidera was present along with Board members Richard McMahon, Daniel Guzewicz, Gerry Ferrara, and Robert Devinney.

Village attorney, Richard DePetris and Environmental Consultant, Chic Voorhis were both present as well.

Chairman Guidera opened the meeting with case #2525 being withdrawn.

On the application of **JAMES & CLARIEL MULHOLLAND**, 969 & 979 Meadow Lane, there is an adjournment requested by the applicant.

MOTION by R. McMahon, seconded by R. DeVinney  
To **adjourn** the application of **JAMES & CLARIEL MULHOLLAND**.  
On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **238 OLD TOWN ASSOCIATES**, 238 Old Town Road, there is an adjournment requested by the applicant.

Motion by R. McMahon, seconded R. DeVinney  
To **adjourn** the application of **238 OLD TOWN ASSOCIATES**.  
On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

**FOR DECISION-**

On the application of **ELGIN PRUDER & MEGAN DARBY**, 65 Heady Creek Lane, the decision is written into the record.

MOTION by R. McMahon, seconded by R. DeVinney  
To **enter the decision as written** on the application of **ELGIN PRUDER & MEGAN DARBY**.

**PENDING CASES-**

On the application of **HERTER TRUST LLC**, 1610 Meadow Lane, Lisa Poyer of Inter-Science was present. She submitted the survey and updated sanitary system design. The new wetlands and setbacks are identified and shown on the survey. This does not significantly alter variance request. L. Poyer stated that the westerly septic system requires relief, which was given in previous approval. The driveway and the retaining

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wall are between the wetlands and the septic system. The indoor swimming pool was abandoned. C. Voorhis stated that he has all of the information that was requested.

No comment from the Board members or the audience.

MOTION by R. DeVinney, seconded by R. McMahan

To **hold for decision** the application of **HERTER TRUST LLC**.

On Vote: R. McMahan, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **DAVID HERMER & SYLVIA CAMPO**, 37 Pond Lane, there was no one present.

MOTION by R. McMahan, seconded by R. DeVinney

To **adjourn** the application of **DAVID HERMER & SYLVIA CAMPO**.

On Vote: R. McMahan, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **MJR IV, LLC**, 240 Gin Lane, attorney, Wayne Bruyn, submitted the Certificate of Occupancy copies reflecting the changes that had been made. The parking spaces and the septic system location (proposed and present) were shown. The extents of non-conformities existing now are in the letter submitted. The survey from Squires & Holden shows non-conforming septic system will be updated to conform. They reduced the parking to a total of 13 spaces and eliminated the circular driveway. The drainage calculations changed a little and these changes were submitted. The landscape revision was submitted. D. Guzewicz asked that garage be shown on C.of O. He also asked if the Board of Health had approved the septic system. He is concerned about drainage with the tennis court. W. Bruyn stated that Board of Health did approve the septic system plans and the garage will be shown and no setback relief is needed. C. Voorhis stated that the Planning Board needs to look at this and the drainage. W. Bruyn stated that an updated C.of O. will be done before the work is done. R. DePetris read into the record the decision.

This is an application for a front yard variance in order to permit a proposed tennis court and proposed pergola within the front yard between the house and Gin Lane. The proposed accessory structures will conform with the minimum street setback requirement of 92 ft.. in view of the fact that the subject parcel is an encroaching front lot, and based on the information regarding the character of the neighborhood provided by the applicant and in view of the foregoing we find that the requested variance is warranted provided that certain conditions are imposed. Therefore we grant the requested frontyard variance subject to the following conditions.

1. Site plan approval to be obtained from the planning Board and in compliance with all conditions of such site plan approval.
2. The proposed tennis court and pergola shall be located at least 92 ft. from Gin Lane as shown on the survey submitted with this application.

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3. The off street parking on site shall be formalized as shown on the survey last revised 7/26/07.

4. The existing septic systems shall be moved and new septic systems conforming to the Health Departments standards shall be installed prior to issuance of a Certificate of compliance for the proposed tennis court.

MOTION by R. McMahon, seconded by R. DeVinney

To **grant requested variance provided certain conditions imposed** on application of **MJR IV, LLC**.

On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **KENNEDY PARK GALLERY USA, LTD**, Ox Pasture Rd, attorney, Gilbert G. Flanagan was present to represent the applicant. He stated that C. Voorhis had asked that a comparison map from Inter-science show wetlands setbacks. The plan was approved by the DEC. A comparison plan shows similar setbacks as the previously approved plan. There is no change in parking calculations, just a change in the parking area. The pool location is now EW instead of NS. The NW no mow zone will be expanded and the special conditions imposed with the original plan will be abided by. C. Voorhis stated that the information submitted is complete.

No comments from the Board or the audience.

MOTION by R. McMahon, seconded R. DeVinney

To **adjourn for decision** the application of **KENNEDY PARK GALLERY USA, LTD**.

On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **JAMES COWLES**, 311 Gin Lane, attorney, Gilbert G. Flanagan represented the applicant. He stated that the additional information asked for has been submitted to the file. There was a package from the architects which included all minutes from the A.R.B & historic preservation board. Photos of the road to the West of the property and of the property screening. He stated that they feel the screening is substantial and referred to the plan from Ed Hollander showing proposed and existing screening. In the packet was also a Google rendering of the property and surrounding properties. The survey of the new house to the North was submitted. He stated that after the worksession there is a memorandum on record to conform abandonment issues. There was no intent to abandon the guest house use. The new guest house will meet size, setback, and height regulations. R. DeVinney questioned whether there was a plan to move the guest house. G. Flanagan stated that applicant feels that since the location is conforming leave it there. The variance requested is to determine they have a right to continue use of the guest house. It's a 4.7 acre lot; the largest lot on that side of Gin Lane. R. McMahon asked for a landscape plan. G. Flanagan stated that it's in the packet; it's a colored rendering of the landscape plan dated 7/17/07 of backyard.

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No comments from the Board.

Chairman Guidera asked the audience for comments.

Amiel Griss, attorney for Arthur Salzburger, 283 Gin Lane, asked that if the variance is granted there be a condition of having adequate screening as discussed. He stated that at the same time this application was made to the ARB for the guest house, there was an application made to build a garden pavilion and gazebo, not a guest house. This shows intent to abandon the guest house. The 12/14/06 site plan submitted shows a garden pavilion; not a guest house. He submitted copies of this site plan to the file. R. DePetris stated that he needs to put together a packet of documents with written time line. Mr. Morris stated that it was for a guest house until the Building Department stated that couldn't be done. Then it was changed to a garden pavilion for one month. A. Griss stated that the legal position is that when it was demolished it no longer is a conforming structure. Under the law it was deemed abandoned when use was abandoned by being demolished. R. DePetris stated that all had to be put in a memorandum with supporting citations. A. Griss stated that the George McFadden case in 1995 was a similar case and the denied it. K. Guidera stated that it was denied without prejudice which would mean the applicant didn't show up; it had nothing to do with the application. G. Flanagan stated that the landscape screening can be made a condition. He stated that in the McFadden case the applicant took building down without making application to replace it. R. McMahan asked when the guest house was demolished. G. Flanagan stated it was demolished in 4/07 and had a demolition permit dated 3/07.

MOTION by R. McMahan, seconded by R. DeVinney

To **hold open** the application of **JAMES COWLES**.

On Vote: R. McMahan, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

**NEW CASES-**

On the application of **R. JOHN PUNNETT**, 220 Hampton Road, attorney Gilbert G. Flanagan represented the applicant. The affidavit of posting and mailing were submitted. This is an application for shifting of the zoning district boundary line up to 50 ft. south from the Hampton Road Office District to the R12.5 Residential District. This is to provide parking and a buffer. They will replace the existing building with the business office building and the parking lot with a residential building in the rear. A radius map was submitted. The planning Board has approved the plan and the fire marshal has approved with conditions to the driveway. There will only be one driveway. The fire marshal's letter is in the file. There is a demolition permit for removing the house. Both neighbors, Doug Phillips and Ben Krupinski have no objection. This plan takes the zoning line and makes it more perpendicular. R. McMahan asked that the applicant let Red Bar use the parking area at night so that Hampton rd. doesn't get clogged up at night.

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G. Flanagan stated that he will ask the applicant but not as a condition. R. DePetris asked that the surveyor put courses and distances for existing and proposed zone lines.

No comments from the Board or the audience.

MOTION by R. DeVinney, seconded by R. McMahon

To **adjourn for decision** the application of **R. JOHN PUNNETT**.

On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of **1160 MEADOW LANE, LLC**, 1160 Meadow Lane, attorney, John Bennett was present for the applicant. The affidavit of posting and mailing were submitted. There are architect plans on file. Applicant is asking for relief from section 116-9A3 for a front yard variance in order to construct a 354 sq. ft. tennis pavilion to a front yard setback of 120 ft. from the northerly property line. The pavilion will be for the spectators of the tennis court. It's open on either end and there is no intent to have as habitable space. J. Bennett stated that on 11/18/99 the board granted this for Dr. Sillerman and he submitted it to the Board. D. Guzewicz stated that with the Sillerman case the bathroom and bar that were requested were denied. There were no rooms allowed. Only open space on all four sides is allowed. J. Bennett stated they will take the side rooms off. He submits pictures of the heavy landscape screening. The Board asked that the pool be put on the survey on the west side and show one pool house instead of three. Board felt the cupola on plans is okay to keep.

No comments from the Board or the audience.

MOTION by D. Guzewicz, seconded by R. DeVinney

To **hold open for all purposes** the application of **1160 MEADOW LANE, LLC**.

On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

On the application of JOAN PRICE RAHAV, 46 John Street, attorney, Richard S. Fernan and architect, Astasio Trakis represented the applicant. The affidavit of posting and mailing were submitted. R. Fernan stated that all of the variances are preexisting with the exception of the pyramid law encroachment. The side yards will be more conforming, but the front yard setback variance is needed. They want to build a house of 2800 sq. ft. If they comply with the pyramid law it will be unusable. A. Trakis submitted a conforming plan to the Board. The ceilings are lowered on the first floor to 8 ft. 6 in.. They will lose a bedroom and there will be less sq. footage on the second floor if they comply. There will be no windows on both sides of the house and the bathrooms and closets will have lower ceilings. R. DeVinney stated that the sitting area size is different on both plans. D. Guzewicz suggested using step foundation and lower it by 10 ft. A. Trakis will try this. R. DePetris stated that the Board is not saying what size it has to be as long as it conforms. Add floor area to the first floor and it won't need Pyramid Law

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relief. There is no chance of Pyramid Law relief unless we have a good strong reason. R. Fernan asked if the Board had a problem with the front yard relief, the piece being added to the porch. Chairman Guidera stated that the Board needed to look at that.

No comments from the Board.

The audience was asked for comments.

Walter Skretch, 9 Wooley St. stated that the Pyramid Law needs to be enforced. This house is out of character of neighborhood. He asks that it be denied.

Barbara Held, 40 & 40A John St., stated that she was concerned about plans with the pool, her trees and the chimneys, parking, and felt it is too big for the parcel it's on. She mentioned a letter from Mr. Winkler stating he is against it. The Board has it on file.

Mary Anne Finnerty, a neighbor stated that she had same issue and had to go to two bedrooms instead of three because that is the law. She has 5 children and grandchildren and they make do. She asked that the Board not go back on the Pyramid Law and they decline this request.

MOTION by R. McMahon, seconded by R. DeVinney  
To **adjourn for all purposes** the application of **JOAN PRICE RAHAV**.  
On Vote: R. McMahon, D. Guzewicz, K. Guidera, R. DeVinney and G. Ferrara-AYE.

Respectfully Submitted by:

\_\_\_\_\_  
Candace Clanahan

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

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Village Clerk