

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTHAMPTON
JANUARY 24, 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, January 24, 2019 at 6:00 p.m.

Board members Mark Greenwald, Kevin Guidera, Dan Guzewicz and James Zuhusky were present. Chair Robert Devinney was absent. Kevin Guidera is acting as Chair for this hearing.

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

Chair Guidera opened the meeting.

PENDING DECISIONS

On the application of **WILLIAM PAPAS**, 85 Hunting Street, there is a decision in the file.

Motion by D. Guzewicz, seconded by M. Greenwald

To accept the written decision on the application of WILLIAM PAPAS

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

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

Motion by D. Guzewicz, seconded by M. Greenwald

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

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

On the application of **JAN SPLIT PURCHASE TRUST**, 56 Gin Lane, there is a decision in the file.

Motion by D. Guzewicz, seconded by M. Greenwald

To accept the written decision on the application of JAN SPLIT PURCHASE TRUST.

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

On the application of **JAMES & MARY CALLANAN**, 90 Meadowmere Place, there is a decision in the file.

Motion by D. Guzewicz, seconded by M. Greenwald

To accept the written decision on the application of JAMES & MARY CALLANAN.

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

On the application of **ZERO SQUABBLE LLC**, 0 Squabble Lane, there is no decision on this application.

On the application of **JAMES GLEASON**, 128 Halsey Street, there is no decision in the file and counsel for the applicant requests reopening and adjournment of the application.

Motion by D. Guzewicz, seconded by M. Greenwald

To reopen the application of JAMES GLEASON.

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

Motion by D. Guzewicz, seconded by M. Greenwald

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

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

ADJOURNMENTS

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

Motion by D. Guzewicz, seconded by M. Greenwald

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

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

On the application of **AKIVA GOLDSMAN SEPARATE PROPERTY TRUST**, 1431 Meadow Lane, this application was adjourned to the February hearing.

PENDING CASES

On the application of **MCDONALD'S USA LLC**, 307 North Sea Road, present for the applicant was Keith Brown. There was a revised site plan submittal. He is present for a variance for renovations and special use. This is for the tandem drive thru change to a side by side drive thru and a small addition to the back. At the 9/27/18 hearing there were comments that were provided. In response to those comments, they have provided to Nelson, Pope and Voorhis the changes and response to all the comments. The changes to the original site plan are many and include a reduction of outdoor seating to 16 seats to comply with existing C&R's. There are only 4 tables on the south side. The indoor seating is corrected to the reduced 45 seats. Notation AF shows signs for no parking in ADA. The signage will remain and be reused. Sanitary calculations have been provided. They provide for cleaning of all storm drainage. Storm water calculations have been provided. The comments have been addressed from NP&V and Board members and the submittal reflects the changes in response to those comments.

The restaurant has been there for 48 years. To comply with ADA they reduced seating to make larger aisles and the other big change is the tandem drive thru change to side by side. They want to expand by 287 square feet on the back. When the original decision was made, they were stipulated that they needed to return to this Board for any changes to the parking and footprint of the building. They will add 8 stalls to the parking.

Counsel Bruyn asked what will be the use for the 287 square foot addition? K. Brown noted it is an expansion of the kitchen area but not for kitchen use, it is more space for the cash register and window attendant.

Martin Swaggert, project engineer, they are expanding the dining area, but the dining seat count is going down. The extra room is for ADA compliance and modernization of the dining room. He presented a board demonstrating the reduction. The other addition, which is operational, shifts the pay window and provides drive thru optimization by providing for a car in between the windows. As much as 60% of the public goes through the drive thru.

Paul Going, Atlantic Traffic and Design, last time he was here they spoke about the changes that would affect traffic in and out of McDonald's. The biggest change is the drive thru. The tandem is less efficient than the side by side. The advantage is that if one person is making a large order, it won't hold up others. There will be less spill out onto North Sea Road because it stores 19 cars, instead of the current 12. D. Guzewicz asked what the flow rate change is with the side by side? P. Going wasn't sure of the flow rate change. D. Guzewicz is concerned that if the flow is 25% greater, he feels that possibly it will be increased flow on to North Sea Road. J. Zuhusky feels that if the line is shorter, people will be more apt to come in. Many times, if people see a long line, they will skip it. D. Guzewicz feels that the flow rate may be a concern. More people traveling means more traffic. P. Going stated that he observed a maximum drive thru queue of 12 cars. Based on the traffic they estimated another 22 customers in a peak trip period. There will be a surplus of 7 cars that can pass through before spilling out. Counsel Bruyn asked about the letter submitted at the last hearing, has that been updated? P. Going stated that the updated letter is included in the submittal package.

K. Brown noted that he spoke to the franchisee in reference to the concern of Chair Devinney regarding litter from McDonald's. They had a sign company make up a sign that will be on the window that notes that trash should be disposed of in receptacles out of respect for the community. That rendering of the sign has been submitted. Counsel Bruyn asked if the submittal had been sent to NP&V. K. Brown noted that it was sent and received by K. Eisemann. C. Voorhis did not see it, however, he will check for it.

Charlie Skylar, Southampton resident, noted that there was discussion about people crossing into the parking area in front of the drive thru lane. He is concerned with that crossing since the restaurant caters to children and it is a dangerous spot. There are about 4 or 5 feet and it's not a blind corner according to J. Zuhusky. C. Skylar disagrees. D. Guzewicz noted that they can put a crosswalk. K. Brown said they can stripe the area, or they can do fencing to narrow the walkway into the appropriate path to cross. They can define a crosswalk or add a speed bump. To give the Board time to review the submittal they will adjourn to the next hearing.

Motion by D. Guzewicz, seconded M. Greenwald

To adjourn for all purposes on the application of MCDONALD'S USA LLC.

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

On the application of **ODED NACHMANI**, 1471 Meadow Lane, the counsel for the applicant has asked to be heard last because he is attending another hearing. This application will be moved to the end of the agenda.

On the application of **JOHN DANIELSON**, 30 Sanford Place, no was one present. This application will be recalled at the end of the hearing.

NEW CASES

On the application of **ANTHONY ALBANESE**, 64 Armande Street, affidavits of mailing and posting were submitted. A copy of the previous decision was submitted. Present for the applicant was David Gilmartin. The applicant is looking to demolish the existing house and build a new home. It is a corner lot so has two front yards and many building constraints. The property is wide on Moses Lane and narrows down Armande. They tried to accommodate the neighbors in their decision for the location of the house. They tried to keep it forward to Moses Lane. They need a front yard variance from Armande

for porch and house, and a front yard at Moses for the patio. The side yard is 15.2' which is now 12'. They need a variance for the projection of a stairwell into the cellar. Finally, they need an 878 cubic foot intrusion into the Pyramid Law to the south. He provided a depiction of that. There are letters from the Moses Lane neighbor and Armande neighbor across the street in support. The character of the neighborhood is large, lots of two-story homes with both large and small footprints. He showed several photos of neighboring homes. The proposed house is 3800 square feet, so in keeping with the sizes of home in the area. It's a big lot, however, the shape of the lot is challenging. All the variances requested are minor. The cellar variance is the largest. There is no environmental impact here. K. Guidera asked if the existing house were built today, would they would need variance? D. Gilmartin answered yes. D. Guzewicz stated that they could shift the house back on the lot to the east and they wouldn't need the variance for the Moses Lane front yard. D. Gilmartin stated that it is more accommodating to the neighbor to the south to have it toward Moses and that is the widest section of the property. They have a proposed patio covered patio, they have a protrusion that will cover it partially on the west. D. Guzewicz asked about sinking the four AC units on the back since it will affect the neighbor to the south.

Anthony Albanese, the owner, noted they can partially sink the AC units to keep down noise. The property is well screened and there is plenty of parking. Counsel Bruyn asked if it meets GFA requirements for the Village, they comply but will show that they comply on the plans. M. Greenwald asked if they have floor plans; the architect was present, so they submitted floor plans. The floor plans show the GFA requirements. The chimney is not in the setback, M. Greenwald asked if they can make that inside the setback. D. Gilmartin and A. Albanese discussed about possibly lowering the height. The architect, Siyu Liu was present, she noted that the chimney may not be able to be lowered but she will check the code. There is 20' screening on Armande according to A. Albanese; the chimney would not be highly visible. The picture is misleading because it won't be seen from Armande. They showed the functional backyard picture that showed the screening that is present. The top of the chimney will be seen but it won't be obtrusive according to A. Albanese. It was noted by the Board that most of the houses have chimneys and D. Gilmartin demonstrated that from his photos of neighboring residences.

JoLee Sanchez, the neighbor to the south, noted that they prefer the house be given relief on the west side toward Moses Lane, this would put the house further forward and less intrusive on their property.

Motion by D. Guzewicz, seconded by M. Greenwald

To close for written decision on the application of ANTHONY ALBANESE.

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

PENDING CASES

On the application of **JOHN DANIELSON**, 30 Sanford Place, on second recall there was still no one present to represent the applicant. This will be adjourned.

Motion by D. Guzewicz, seconded by M. Greenwald

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

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

On the application of **ODED NACHMANI**, 1471 Meadow Lane, this application was moved to the end of the agenda to accommodate the counsel for the applicant who was at another hearing. Affidavits of mailing and posting were submitted for the reposting for additional relief. Present for the applicant was Brian Deasero. They need additional relief for Pyramid. It was brought to their attention from the last

hearing and they resolved the problem, the relief needed is 1554 cubic feet in total. On the side elevation is 1475 cubic feet and 79 cubic feet at the front. They reduced the size of the house and pulled away from the wetlands more. They are at 47' from wetlands. It is a proposed pool at 51.3' where 150' is needed. They increased revegetation, upland coverage is now 20%. The Board had questions regarding railing at the last hearing. They will remove the roof glass railing and reduce the access to the roof to a hatch. They will utilize an IA septic system and bring the house into FEMA compliance. Both neighbors that he spoke to did not indicate a problem with the revised plans. If they push the house to the west it increases the amount of wetland setback. The wetland gain is making the Pyramid loss. For the IA system, the plastic cubes do not need retaining walls with system that they are installing. D. Guzewicz asked about the bonding and building methodology for the job. C. Voorhis noted it is in the submission and he finds that satisfactory.

C. Voorhis feels that all the changes are in the right direction. The Board must make a judgment as to whether the changes and improvement to the wetland are significant enough to allow variance for the pool. He did not see any existing new pool decisions. C. Voorhis stated that it could set precedence. The existing house will be 20' forward from its present location. It moves forward, the wetland setback will be protected by pulling it forward. C. Voorhis stated they have a color-coded line aerial that shows the wetland boundary in the submission. The steps will be 51' from wetland, currently they are 29'. The decision to put the IA system where it proposed is because it is already disturbed area where there is currently lawn so that front location is far from wetland, however it needs relief of 74.1' where 200' is needed. The wetland revegetation area has increased greatly. C. Voorhis asked about pool fencing. B. Deasero stated that the fence will be around the deck because the pool will be built into the deck. The existing hedge will be retained and augmented. Red cedars will be added to existing. The grassed parking area becomes planted area, it will be staging area that will be used for construction. C. Voorhis stated the plants are all native species and are acceptable. Counsel Bruyn stated that the glass railing will be removed, how long for architect to give new renderings showing that change? It will take a couple of days. Counsel Bruyn stated that if they have that by the next work session then they can close for written decision.

Motion by D. Guzewicz, seconded by M. Greenwald.

To close for written decision on the application of ODED NACHMANI.

On Vote: Chair Guidera, M. Greenwald, D. Guzewicz and J. Zhusky

Chair Guidera closed the meeting.

Respectfully Submitted by:

JoLee Sanchez

File Date: _____

Village Clerk