

**ZONING BOARD OF APPEALS
SATURDAY, DECEMBER 07, 2013
4:00 P.M.**

Present: Acting Chairman Charles Mott, T. David Mullen, Alexander Ames, Robert Treuhold, Brendan Ryan and Village Attorney Richard DePetris

Absent: Chairman Ogden Lewis

1) Acting Chairman **Charles Mott** brought the meeting to order. He explained that the next meeting would be held either on **Saturday, January 4, or Saturday, January 11, 2014 at 4 PM**. The board needed to confirm the date with **Chairman Lewis** before a decision could be finalized. The board approved the minutes of the **September 28, 2013** meeting into the record.

2) The first item on the agenda was the application of **Nancy and Craig Overlander** for a lot coverage variance to 15.9% in order to permit proposed addition to existing house. Premises are known as **46 Shinnecock Road. TM #902-10-3-9.2**

Architect **Michael McCann** was present for the Overlanders. He explained that they were trying to enlarge one of their bedrooms, which would increase the lot coverage a small amount, from 15.5% to 15.9%. Mr. McCann was not sure why, when the house was originally constructed, it went over the lot coverage. He said they were essentially requesting relief for the .9% overage. The board indicated that they had the Certificate of Occupancy in the file.

DECISION: MR. MOTT MOVED TO GRANT THE OVERLANDER VARIANCE REQUEST. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Anna and Richard Petrocelli** for a rear yard variance in order to permit proposed additions to existing house as shown on survey (additions having 56 square feet of area within the required rear yard). Premises are known as **3 Beach Lane. TM #902-7-3-46**

Architect **Chris Jeffery** was present for the applicants. He explained that his clients were looking to renovate and add to their existing sunroom, which would bring them beyond the 50 foot rear yard setback by a total of 56 square feet. Mr. DePetris explained that it was actually a 70 foot rear yard. Mr. McCann made reference to the packet of in-

formation that had been submitted to the board ahead of time. It showed that when expanding the sunroom north and south, it created the problem of going into the setback line. In 1999 there was a connection made of two structures which could be seen from the photographs in the packet. The Petrocelli's were also trying to achieve a new rear entry into the house which would be an easier and more informal way of entering their house. They would also be upgrading the substandard earlier construction on their structure. With the use of the packet and photographs, Mr. McCann showed the board where and how they proposed to make changes to the entrance into the house, and the changes they would be making to the driveway. He also explained how they proposed to move a portion of the hedgerow in order to move the driveway. They were proposing to move the existing utility shed to the south side of the family room, expand it, and put in a small closet for future pool equipment. There was also an outdoor shower, with a trellis but no roof.

DECISION: MR. MOTT MOVED TO GRANT THE PETROCELLI VARIANCE REQUEST. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **42 Shinnecock Road Corp.** for a height variance to 39.5 feet in order to permit proposal to elevate existing house. Premises are known as **42 Shinnecock Road. TM #902-10-3-7**

Real Estate agent **Craig Carbone**, was present along with the architect, **Joseph Deppe**, and the property owner, George Sard. Mr. Deppe explained that their project was to move the house about 50 feet back from the bay, and raise it above the FEMA elevation. They would also like to do some modifications to bring the house up to code so it will conform in everyway except for the one height variance they were requesting. They were requesting 3 ½ feet above the FEMA elevation in order to put their air-handler equipment in the basement. They would be within 6" of the height of the house next door to them. They submitted photographs of the neighboring homes, explaining that there were already many tall houses in their area, so they felt they would be keeping within the character of the neighborhood. Their proposed house would be 42.7 feet at the peak, while the house next to theirs was already 42.1 feet at the peak. They were only requesting 2 ½ feet of extra height relief. They would be compliant by being 90 feet from the street as they were removing the portico from the front of the house. The board wanted to know if they could reduce the house by 5" in height. Mr. Carbone and Mr. Deppe agreed to the board's request for a 5" reduction in height.

DECISION: MR. MOTT MOVED THAT THE BOARD GRANT A HEIGHT VARIANCE TO 39 FEET RATHER THAN THE REQUESTED 39.5 FEET. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the holdover application of **Joyce and Daniel Flynn** for a side yard variance to 23.33 feet in order to permit proposed stairs addition to existing house and for a variance in order to permit proposed alterations to a nonconforming garage. Premises are known as **23A Lamb Avenue. TM #902 9-1-32.1**

The owners, **Joyce and Daniel Flynn** were present for the discussion. Mrs. Flynn explained that they needed relief for the proposed steps in order to enter their dining room. She added that the house was nonconforming in that it was built in the late 1930's. Using the drawings and surveys, she showed and explained to the board how the screened in porch was being made into the dining room and why they would need to put an entryway on the west side of the dining room which would also be the only entrance to the back of their house. They were requesting two steps. They were also requesting a variance for their garage/potting shed. They want to extend the gable roof to make it more attractive and their plans showed a toilet in the structure. The board did not like the proposed toilet as it could lead to other changes in the future, should the property ever get sold. The board did not object to the outdoor shower on the side. The Flynn's did not prefer to give up the toilet as they felt it would be a convenience they wanted to keep.

DECISION: MR. MOTT MOVED TO GRANT THE REQUESTED SIDE YARD VARIANCE TO 23.33 FEET IN ORDER TO PERMIT THE PROPOSED STEPS ADDITION TO THE EXISTING HOUSE. HE ALSO MOVED TO ADJOURNED FOR ALL PURPOSES THE APPLICATION FOR VARIANCES FOR THE PROPOSED ALTERATIONS FOR THE EXISTING GARAGE. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

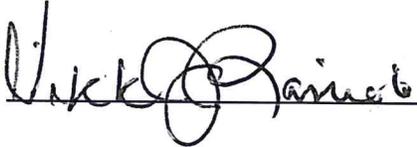
6) Next was the holdover application of **David Marr**. Mr. Marr was present along with his attorney **Reza Ebrahimi**, and his architect, **Robert Gruber**. Mr. Marr's attorney had submitted a response to the previous objections and indicated that they had amended their plans. He explained that, with regards to setbacks, they were moving the 3 structures to more conforming locations, although they were still requesting some setback relief. They felt they were already requesting the minimum amounts to comply with FEMA regulations. He included that they were up grading the sanitary systems, all of which had to be placed in specific positions according to SCDHS, and because of the driveways the houses were situated where they were. Mr. Ebrahimi explained that if they moved the houses into conforming positions they would actually be clustered in the middle of the property. Mr. Marr explained that much of the charm of his property was that the houses were so close to the canal and felt that they had already moved the structures south, effectively moving them back from the canal. Moving house "A" back 50 feet from the canal would destroy the character of that house. In reference to the decks, Mr. Marr explained that once he raises the structures, he needs a level area for his mom and stepfather to be able to, not entertain, but just spend time outside. He said he had reduced the decks so that each deck could fit no more than a 36" round table and 2 chaise lounges. The decks would also used for egress. Mr. Marr felt he had things down to the minimum, and his property was much less nonconforming, with their most recent changes, than it was when they first started their project.

Attorneys **Theodore Sklar** and **Kittric Motz**, were present to represent Mr. Weiner, who was objecting to the Marr application. Mr. Sklar explained that they had received some of the plans Thursday afternoon of that week and the rest the afternoon before the ZBA meeting. He and attorney Motz had gone over some of the information but their client was out of town and they had not had an opportunity to discuss anything with him. Mr. Sklar felt he had an obligation to go over the information with the client, so he wanted an adjournment until he had time to discuss the more than 70 pages of new information. Mr. Sklar indicated he would respond in writing with any objections before the next meeting.

DECISION: MR. MOTT MOVED TO ADJOURN THE MARR APPLICATION TO THE NEXT MEETING SUBJECT TO THE UNDERSTANDING THAT THE APPLICANT WILL FILE ANY FURTHER REVISIONS BY DECEMBER 13, 2013, AND THAT THE OBJECTANTS ATTORNEY WILL FILE HIS WRITTEN RESPONSE BY JANUARY 3, 2014, AND THAT THE NEXT PUBLIC HEARING WILL BE LIMITED TO QUESTIONS BY THE BOARD AND COMMENTS REGARDING THOSE SUBMISSIONS WITH THE GOAL OF CLOSING THE PUBLIC HEARING AT THE NEXT MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Mr. Sklar wanted to explain that it had always been their position that the homes had never been moved since the beginning of the application. He and his client felt there was a possible solution. They also felt the property was too small with too many houses that were now going to be raised and moved to obstruct their view. They felt the solution was for Mr. Marr to either lose the middle house or move it to the east, at which point they would have the whole front yard for parking and septic systems, which would mitigate the view problems of Mr. Sklar's client, Mr. Weiner. He felt that by now, Mr. Marr's architect could have presented Mr. Weiner with a site plan showing the middle house moved over to the east, while keeping house "A" and "B" where they are already located. He felt that Mr. Marr had not moved his structures any since the beginning of the process. Mr. Sklar also felt Mr. Marr could offer to covenant the houses to never change and let that run with the property, but felt Mr. Marr would not really be in favor of doing that. Mrs. Motz felt that since Mr. Marr was proposing to raise the houses and locate the houses in a different way, then the view becomes a more prominent factor. She suggested that Mr. Marr move house "B" and slide it more in between houses "A" and "C", where he would still have a water view, although in a different direction, more west than east. Mr. Ebrahimi explained that if they were to bring the houses into full conformity, providing that was possible, it would actually disrupt more of Mr. Weiner's view because all the houses would be bunched together and pushed up in the middle of the Mr. Marr's property. He also explained that there was well settled case law that said Mr. Weiner was not entitled to a view.

The meeting was adjourned.

Respectfully submitted by:  File date: 1/7/14