



**Zoning Board of Appeals
Tuesday, September 19, 2017
Regular Meeting – 5:30 PM
AGENDA**

I. Flag Salute

II. Minutes

1. Motion to approve the Minutes taken on July 18, 2017 and August 15, 2017.

III. Decisions

5:30 PM Meeting called to order on September 19, 2017 at Municipal Building, 55 Main Street, Sag Harbor, NY.

1. 22 Suffolk LLC 22 Suffolk Street SCTM: #903-3-3-20.2

The building permit application for the placement of a relocated 338 sq. ft. COTTAGE FOR CONVERSION TO A POOL HOUSE (acc. str.) WITH PLUMBING ON A CELLAR at the above referenced premises has been denied for the following reason(s):

- a.) The MAXIMUM ALLOWED size of an ACCESSORY STRUCTURE CONTAINING PLUMBING is a 200 SQ FT POOL HOUSE; therefore, relief of 138 sq ft. must be sought.
- b.) A CELLAR is NOT PERMITTED beneath an ACCESSORY STRUCTURE; therefore, relief is required for the same.

COMMENTS: The structure is being moved from an adjoining lot. The kitchen and sleeping facilities are to be removed.

Under Section(s): 300-9.1(B) (6)(7) of the Sag Harbor Village Code.

Motion Made By _____
Motion Seconded By _____

2. Susan U. Halpern 130 Madison Street SCTM: #903-3-3-44

The building permit application for the construction of two (2) STORY ADDITIONS at the above-referenced premises has been denied for the following reason(s):

- a.) The proposed additions on the north and south side of the residence protrude into the SKY PLANE (pyramid) 13 cu. ft. and 950 cu. ft., for a total of 963 cu. ft., therefore, relief is required for the same.
- b.) The SIDE YARD SETBACK for the proposed addition on the south is 8.1 ft. where 12.6 ft. is required, therefore, relief of 4.5 ft. is required.

COMMENTS: This property is subject to the four tenths rule in determining side yard setbacks.

Under Sections: 300-9.3 D, 300-4.3. 300-10.3 C (1) of the Sag Harbor Villae Code.

Motion Made By _____

Motion Seconded By _____

IV. Old Business

1. Maritime Properties, LLC 20 Bay Street SCTM: #302-2-2-24

The recently submitted plans have changed such that the required number of variances for the project has been reduced to one, that being for the rear yard setback (as previously noticed for 16.9 ft.). The applicant will invoke Section 300-9.8 of the code whereby the portion of the structure currently utilized for a commercial use will be converted to residential use, slightly reducing the GFA of the building.

Motion Made By _____

Motion Seconded By _____

2. Greystone Development, LLC 2 West Water Street SCTM: #903-2-2-50 & P/O 4.2

The building permit application for the construction of a 13 UNIT APARTMENT BUILD-

ING with underground parking at the above-referenced premises in the OD-Office District has been denied for the following reason(s):

- a.) The CONVERSION of FOUR COMMERCIAL UNITS TO RESIDENTIAL APARTMENTS require a LOT AREA of 7,260 sq ft. per unit for a total of 26,040 sq ft.; therefore, a LOT AREA VARIANCE is required for that amount.
- b.) The proposed REAR YARD SETBACKS (street side) in two locations (property has two rear yards) are 0 (zero) ft. and 11.1 ft. where 40 ft. is required; therefore, variances of 40 ft. and 28.9 ft., respectfully, are required.
- c.) The proposed SIDE YARD SETBACKS on the east and west side are 3 ft. each where a minimum of 5 ft. with a total TOTAL SIDE YARD of 20 ft. is required; therefore, relief is required for 2 ft. and 17 ft. respectfully.
- d.) The proposed HEIGHT of the building is 48.5 ft. where a maximum of 35 ft. is permitted; therefore, relief is required for 13.5 ft.
- e.) The total NUMBER OF STORIES proposed is THREE, where two stories are permitted; therefore, relief is required.

COMMENTS: The existing structure is to be demolished. It has been determined that eight apartments, four commercial spaces and the required parking for the same are grandfathered for the site. The proposed lot line modification will increase the lot area such that the additional density of one apartment will be permitted. This Turn-Down letter is conditioned upon the proposed lot lines being approve.

Under Section(s): 300-7.3 of the Sag Harbor Village Code.

Motion Made By _____

Motion Seconded By _____

3. Don Lemon 54 Rysam Street SCTM: # 302-2-2-45

The building permit application for the construction of a 264 sq. ft. DETACHED GARAGE at the above-referenced premises has been denied for the following reason(s):

- a.) The SIDE YARD SETBACK for the proposed garage is 10 ft. where 15' is required, therefore, relief of 5 ft. is required.
- b.) The SEPARATION BETWEEN the proposed GARAGE which is connected to the HOUSE by an open breezeway is 6 ft. where 10 ft. is required, therefore, relief of 4 ft. is required.

COMMENTS: The applicant will remove a portion of the existing patio to maintain the pre-existing non conforming total lot coverage.

Under Section(s): 300-4.3 & 300-9.1 A (1) of the Sag Harbor Village Code.

Motion Made By _____

Motion Seconded By _____

4. Watson Atlantic, LLC 241 Main St., 237 Main St., & 8 Palmer Terrace #903-3-3-11.1, 12 & 13

APPLICATION of WATSON ATLANTIC, LLC / LYNN AND PAIGE E. ST. JOHN, 241 MAIN ST., 237 MAIN ST., 8 PALMER TERRACE, SCTM # 903-3-3-11.1, 12 & 13 FOR A LOT MODIFICATION THAT REQUIRES THE FOLLOWING AREA VARIANCES FROM CODE SECTION 300-4.3:

- The proposed lot line modification in the R-20 Zone to create two lots from the three above referenced lots does not comply with the requirements of the code as the proposed lot widths of 87.95 ft. and 89.20 fr. do not meet the required 100ft. width; therefore relief of 12.05 ft. and 10.80 ft. respectfully.
- The applicant seeks to convert the existing studio to a dwelling. It is proposed that the triple density on the main house be reduced by giving up the third floor apartment and thus still have triple density with the use of the studio as a dwelling.
- The proposed studio to dwelling conversion with an existing rear yard setback of 18.4 ft. does not meet the required 30ft.; therefore relief of 11.6 ft. is required.

Motion Made By _____

Motion Seconded By _____

V. New Business/Public Hearings

1. Bay Street Partners, LLC, 6 Bay Street, SCTM No. 302-2-2-22

Application of Bay Street Partners, LLC (DOPO Restaurant) for property located at 6 Bay Street, Village of Sag Harbor SCTM # 302-2-2-22 for construction of a one-story addition to an existing restaurant requires the following variances from sections 300-6.3 of the Village Zoning Code.

- a. A side yard setback variance on the easterly side of 4.8 feet to situate the addition 0.2 ft from the side yard lot line where 5 ft is required;
- b. A side yard setback variance on the westerly side of 3.3 feet to situate the addition 1.7 ft

from the side yard lot line where 5ft is required;

- c. A total side yard variance of 8.1 feet where total side yards are 1.9 ft where 10 ft is required;
- d. A rear yard setback variance of 34.7 feet to situate the addition 5.3 ft from the rear yard lot line where 40 ft is required;
- e. A rear yard total coverage variance of 32.79% to permit total coverage in the rear yard of 62.79% where 30% is the maximum permitted; and
- f. A total lot coverage variance of 10.89% to permit total coverage of 80.89% where 70% is that maximum permitted.

Motion Made By _____

Motion Seconded By _____

2. Sara Colleton, 52 Garden Street, SCTM No. 903-3-2-28

Application of COLLETON for premises situate at 52 GARDEN ST., Village of Sag Harbor, addition by the applicant), a one-story addition, and an extension of the front porch requires the following variances from Sections 300-4.3 and 300-9.3D of the Village Zoning Code

- a. A building coverage variance of 2.6% to allow proposed coverage of 22.6% where 20% is the maximum permitted. It should be noted that a recently approved ZBA application granted the applicant 20.6% allowable building coverage.
- b. The proposed addition on the northerly side has a SIDE YARD SETBACK of 3.1ft where 10ft is required; therefore a variance of 6.9ft is required.
- c. The proposed addition on the southerly side has a SIDE YARD SETBACK of 7.1ft where 10ft is required; therefore a variance of 2.8ft is required.
- d. The proposed additions will protrude into the SKY PLANE EXPOSURE LINE (pyramid law) by a volume of 1,458 cubic feet (964 & 55 cu. ft north, 385 cu ft. south and 54 cu ft. west); therefore a variance is required for the same.

Motion Made By _____

Motion Seconded By _____

3. NGS 19 Concord, LLC (Neil Slevin), 19 Concord Street, SCTM No. 903-6-3-2

Application of NGS 19 CONCORD, LLC (Neil Slevin) for property situate at 19 Concord St., Village of Sag Harbor, SCTM # 903-6-3-2 for the construction of a 94 SQ FT ONE STORY ADDITION AND COVER CELLAR ENTRY requires the following area variances from Section 300-4.3 of the Village Zoning Code

- a. The proposed BUILDING COVERAGE of 27.83% exceeds the legally preexisting amount of 25.78%. A variance is required for 2.05% of the parcel's building coverage or 120 sq. ft.
- b. The proposed TOTAL LOT COVERAGE of 30.48% exceeds the legally preexisting amount of 30.06%. A variance is required for 0.42% of the parcel's total lot coverage or 24 sq. ft.

Motion Made By _____

Motion Seconded By _____

4. Vacs Enterprises, LLC (G.Schiavoni, et al), 31 Long Island Avenue, SCTM # 903-2-2-9
APPLICATION OF VACS ENTERPRISES, LLC (G.SCHIAVONI, ET AL), 31 LONG
ISLAND AVENUE, SCTM # 903-2-2-9

A hearing pursuant to the New York State Environmental Quality Review Act ("SEQRA") to provide comments to the Lead Agency, the Planning Board, to enable it to make a Determination of Significance on this Type I Action. After a Determination of Significance is made, the application for the construction of a THREE-STORY OFFICE/ RETAIL/ APARTMENT BUILDING in the OD (office) DISTRICT will require the following variances:

- a. The maximum number of stories in the OD is two, therefore, a variance is required for the proposed THREE-STORY building.
- b. The yield for the NUMBER OF APARTMENTS on this 11, 434 sq. ft. parcel is ONE (1) (based on the required 7,260 sq. ft. for each). FOUR apartments are proposed, requiring a total of 29,040 sq. ft., therefore a LOT AREA variance is required for 17,606 sq. Ft
- c. The HEIGHT of the proposed building is 38 ft. where maximum permitted is 35 ft., therefore, a variance of 3 ft. is required.
- d. The FRONT YARD SETBACK for the northernmost portion of the proposed building is 1.5 ft. where 10 ft. is required, therefore, a variance is required for 8.5 ft.
- e. The FRONT YARD SETBACK for the most northwestern portion of the proposed building (separate lot line from above, where the two lines intersect) is 7 ft., therefore a variance for 3 ft. is required.
- f. The REAR YARD SETBACK for the proposed building is 0.0 ft. (zero) where 40 ft. is required, therefore, a variance is required for 40 ft.
- g. The proposed VEGETATION on the lot is 19.4% where 30% is required, therefore, a variance of 10.6% is required.
- h. The proposed BALCONIES of 5 ft. X 48 ft.=240 sq. ft. on the east side of the 2nd AND 3rd floors surpass the permissible 3ft. X 8ft. = 24 sq. ft. dimension by 216 sq. ft. each, totaling 432 sq. ft., therefore, relief is required for the same.
- i. The proposed BALCONY of 10 ft. (average, as it is angular) X 55 ft. (ave.) = 550 sq. ft. on the west side at the 2nd floor surpasses the permissible 3 ft. X 8 ft. = 24 sq. ft. by 526 sq. ft., therefore, relief is required for the same.

Motion Made By _____

Motion Seconded By _____

VI. Adjournment