

## **AGENDA**

### **THURSDAY, JUNE 6, 2019** **REGULAR MEETING** **8:00 A.M.**

Place of Meeting: Southold Town Meeting Hall, 53095 Main Road, Southold  
Call to Order by Chairperson Leslie Kanés Weisman. Pledge of Allegiance.

#### **I. EXECUTIVE SESSION:**

- A. Attorney advice
- B. Litigation

#### **II. WORK SESSION:**

- A. Requests from Board Members for future agenda items.
- B. **At 8:30 A.M., Carrie O'Farrell of NP&V, Environmental Consultant, will meet with the Board to discuss her memo of review of the Draft Environmental Impact Statement for The Enclaves Hotel.**
- C. Discuss Memo from Planning Board requesting adjournment of ZBA #7289 and #7294
- D. Update on proposed definition of pool house/cabana
- E. Update on operation of Harvest Inn B&B

#### **III. STATE ENVIRONMENTAL QUALITY REVIEWS:**

##### **New Applications:**

- A. **RESOLUTION** declaring applications that are setback/dimensional/lot waiver/accessory apartment/bed and breakfast requests as Type II Actions and not subject to environmental review pursuant to State Environmental Quality Review (SEQR) 6 NYCRR, Part 617.5 (c) including the following:

Theodosius W. Victoria #7278  
Theodosius W. Victoria #7280

David and Claudia Garofalo #7281  
Thomas F. Daly, III, Joyce Daly, Margaret Daly, Et Al #7284  
Matthew F. Daly, Robert M. Daly, Marilyn K. Daly, Et Al, #7285  
Michael Smith #7282  
905 9th Street, LLC #7289  
East End Realty, LLC #7286  
East End Realty, LLLC #7287

- B. **SEQR DETERMINATION:** Pursuant to Part 617 (State Environmental Quality Review Act) of the Environmental Law, the Planning Board, as the Lead Agency, classified the **Site Plan for Hound Lane, LLC #7237**, requiring area variance relief from the Zoning Board of Appeals, to be an Unlisted Action, has conducted uncoordinated review, determined non-significance for the proposed action, and Granted a Negative Declaration.

#### **IV. DELIBERATIONS/POSSIBLE DECISIONS/RESOLUTIONS:**

**RYAN STORK #7269** - Pursuant to request from applicant's representative, Karen Hoeg, Esq. in email communication dated May 20, 2019 to **Adjourn** the Public Hearing without a date.

**KAREN M. POWER #7262** – Request for Variances under Article XXIII, Section 280-124; and the Building Inspector's October 16, 2018, Amended November 16, 2018 Notice of Disapproval based on an application for a permit to construct additions and alterations to an existing single family dwelling, at; 1) less than the code required minimum total side yard setback of 25 feet, 2) more than the code permitted maximum lot coverage of 20%; at: 555 Riley Avenue, Mattituck, NY. SCTM#1000-143-4-16.

**TRACY MINUCCI/WHITE CAP NORTH FORK, LLC #7272** – (Tabled on May 23, 2019) Request for a Variance under Article XXIII, Section 280-124 and the Building Inspector's December 6, 2018 Notice of Disapproval based on an application for a permit to construct an accessory in-ground swimming pool, at; 1) more than the code permitted maximum lot coverage of 20%; at: 16500 Main Street, New Suffolk, NY. SCTM#1000-117-9-13.

**SV GREENPORT, LLC #7275** - (Tabled on May 23, 2019) On appeal from Building Inspector's October 17, 2018 Notice of Disapproval and pursuant to Article I, Section 280-4 and Article XXIV, Section 280-127 of the Town Code; 1) Request interpretations that (a) Applicant's proposed work at the subject property is not governed by the current Town Code definition of 'Hotel and Motel, Transient,' such definition does not require Applicant to remove the existing kitchen facilities in the existing units on the subject property, and the Building Department improperly disapproved Applicant's building permit application based on such definition; (b) Applicant may continue to use, maintain, and renovate the existing kitchen facilities in the units on the subject property; (c) the Building Department may not require Applicant to comply with the restrictive definition of 'Hotel and Motel, Transient' or to remove kitchen facilities from its units to obtain a building permit for proposed renovation and other work on the subject property; and (d) site plan approval is not required for Applicant's proposed work on the building and units at the subject property; 2) Request annulment of the Building Department's 'Notice of Disapproval' and

direction that a building permit be issued; upon property located at: 59725 County Road 48, Greenport, NY. SCTM# 1000-44-2-23.

**V. PUBLIC HEARINGS:** All testimony shall be limited to zoning issues properly before the Board. Each speaker is requested to speak for five minutes, and to submit testimony in writing when possible.

**9:30 A.M. - THEODOSIUS W. VICTORIA #7278** - Request for a Variance under Article III, Section 280-15 and the Building Inspector's December 4, 2018 Notice of Disapproval based on an application for a permit to relocate an existing single family dwelling and convert a portion of the dwelling into an accessory building (art studio); 1) located in other than the code required rear yard; at: 17250 Main Street, New Suffolk, NY. SCTM# 1000-117-9-30.

**9:45 A.M. - THEODOSIUS W. VICTORIA #7280** - Request for a Use Variance under Article III, Section 280-13C; Article X, Section 280-45C and the Building Inspector's December 4, 2018 Notice of Disapproval based on an application for a permit to relocate an existing single family dwelling and convert a portion of the dwelling into an accessory building (art studio); 1) proposed art studio in the accessory building is not a permitted accessory use; at: 17250 Main Street, New Suffolk, NY. SCTM#1000-117-9-30.

**10:00 A.M. - DAVID AND CLAUDIA GAROFALO #7281** - Request for a Variance under Article III, Section 280-15 and the Building Inspector's November 30, 2018 Notice of Disapproval based on an application for a permit to legalize an "as-built" accessory deck surrounding an existing accessory in-ground swimming pool; 1) located in other than the code required rear yard; at: 7630 Main Bayview Road, Southold, NY. SCTM#1000-87-5-16.

**10:15 A.M. - THOMAS F. DALY, III, JOYCE DALY, MARGARET DALY, ET AL #7284** – Request for a Waiver of Merger petition under Article II, Section 280-10A, to unmerge land identified as SCTM No. 1000-66-1-21 which has merged with SCTM No. 1000-66-1-22, based on the Building Inspector's January 30, 2019 Notice of Disapproval, which states that a non-conforming lot shall merge with an adjacent conforming or non-conforming lot held in common ownership with the first lot at any time after July 1, 1983 and that non-conforming lots shall merge until the total lot size conforms to the current bulk schedule requirements (minimum 40,000 sq. ft. in the R-40 Residential Zoning District); located, at 150 Daly Lane, Southold, NY. SCTM Nos.1000-66-1-21 & 1000-66-1-22.

**10:30 A.M. - MATTHEW F. DALY, ROBERT M. DALY, MARILYN K. DALY, ET AL, #7285** – Request for a Waiver of Merger petition under Article II, Section 280-10A, to unmerge land identified as SCTM No. 1000-66-1-9 which has merged with SCTM No. 1000-66-1-8, based on the Building Inspector's January 30, 2019 Notice of Disapproval, which states that a non-conforming lot shall merge with an adjacent conforming or non-conforming lot held in common ownership with the first lot at any time after July 1, 1983 and that non-conforming lots shall merge until the total lot size conforms to the current bulk schedule requirements (minimum 40,000 sq. ft. in the R-40 Residential Zoning District); located, at 225 Thomas Street, Southold, NY. SCTM Nos.1000-66-1-8 & 1000-66-1-9.

**11:00 A.M. - MICHAEL SMITH #7282** - Request for Variances under Article IV, Section 280-15; Article XXII, Section 280-116A(1) and the Building Inspector's August 17, 2018, Amended

**November 27, 2018 Notice of Disapproval based on an application for a permit to construct an accessory in-ground swimming pool and legalize existing relocated accessory structures, at; 1) proposed swimming pool is located in other than the code required rear yard; 2) proposed swimming pool is located less than the code required 100 feet from the top of the bluff; 3) existing two accessory sheds are located less than the code required minimum side yard setback of 15 feet; at: 1405 Terry Lane, (Adj. to Long Island Sound) Orient, NY. SCTM#1000-14-3-2.**

**11:15 A.M. - 905 9TH STREET, LLC #7289 - Request for Variances under Article IV, Section 280-18; Article XXIII, Section 280-124; and the Building Inspector's February 7, 2019 Notice of Disapproval based on an application to approve a two lot subdivision and a permit for the construction of a new single family dwelling and accessory building (lot 10); at 1) proposed two lots will measure less than the minimum lot size of 40,000 sq. ft.; 2) proposed two lots will measure less than the minimum lot width of 150 feet; 3) proposed two lots will measure less than the minimum lot depth of 175 feet; 4) proposed lot no. 9 with existing single family dwelling will have more than the code permitted maximum lot coverage of 20%; 5) proposed lot 10 with proposed single family dwelling will have less than the code required minimum front yard setback of 35 feet; at : 905 9th Street, Greenport, NY SCTM No. 1000-48-2-29.**

**1:00 P.M. - EAST END REALTY, LLC #7286 - Request for Variances under Article IX, Section 280-42 and the Building Inspector's December 11, 2018, Amended February 22, 2019, Notice of Disapproval based on an application for a permit to alter an existing workforce housing building to convert to a single family dwelling on a parcel having an existing business use to be maintained; 1) less than the code required minimum rear yard setback of 75 feet; 2) less than the code required minimum side yard setback of 20 feet at: 4880 Depot Lane, Cutchogue, NY. SCTM# 1000-96-2-3.**

**1:15 P.M. - EAST END REALTY, LLC #7287 - Request for a Use Variance under Article IX, Section 280-42 and the Building Inspector's December 11, 2018, Amended February 22, 2019, Notice of Disapproval based on an application for a permit to alter an existing workforce housing building to convert to a single family dwelling on a parcel having an existing business use to be maintained; 1) less than the required 80,000 sq. ft. in area for each use, at: 4880 Depot Lane, Cutchogue, NY. SCTM# 1000-96-2-3.**

**1:30 P.M. - HOUND LANE, FISHERS ISLAND #7237 – (Adjourned from April 11, 2019) Request for Variances under Article XI, Section 280-49 and Section 280-50; and the Building Inspector's August 10, 2018, Amended August 22, 2018 Notice of Disapproval based on an application for a permit to alter an existing building into a restaurant on the first floor and to construct a second story addition for two apartment units; at: 1) the second story addition shall have less than the code required minimum front yard setback of 100 feet; 2) the second story addition shall have more than the required minimum 60 linear feet of frontage on one street; 3) landscaping area measures less than the required 35% of subject lot, located at: Hound Lane, Fishers Island, NY. SCTM#1000-12-1-7.1.**

**1:45 P.M. - SHAWN P. FITZGERALD REVOCABLE LIVING TRUST #7276 – (Adj. from May 9, 2019) Request for an interpretation pursuant to Article III, Section 280-13(A)(1); and the Building Inspector's December 14, 2018 Notice of Disapproval based on an application to amend a building permit #41621 (construction of an accessory pool house) for “as built” interior**

**alterations, at; 1) as to whether an “as-built” structure constitutes a second dwelling unit by design; at: 495 Paddock Way, (Adj. to Wolf Pit Lake) Mattituck, NY. SCTM#1000-107-4-2.10.**

**VII. RESOLUTIONS:**

- A. Resolution for next Regular Meeting with Public Hearings to be held WEDNESDAY, July 3, 2019 at 8:30 AM.
- B. Resolution to approve Minutes from Special Meeting held May 23, 2019.
- C. Resolution to Grant a twelve (12) month extension per request of June 3, 2019 by Martin Finnegan, Attorney, for Appeal No. 7109, dated December 22,2017, Gian Mangieri, Waiver of Merger.