

## AGENDA

### SOUTHOLD TOWN ZONING BOARD OF APPEALS ORGANIZATIONAL AND REGULAR MEETING

THURSDAY, JANUARY 5, 2023 at 9:00 AM

IN PERSON access to the Public is permitted and the meeting will be held in the Southold Town Meeting Hall located at 53095 Main Road, Southold, New York.

This meeting will ALSO be accessible via Zoom Webinar. Just Go to the Calendar Page of our Website, <http://www.southoldtownny.gov>, and Click the Link to “Join Meeting”.

Or if you choose to Join by Telephone, Dial: 1-646 558 8656;  
Enter Webinar ID: 858 9077 1672 and Passcode: 254731

Call to Order by Chairperson.

**I. EXECUTIVE SESSION**: begin at 9:00 A.M.

A. Attorney advice

**II. ORGANIZATIONAL MEETING**: begin at 9:30 A.M.

- 1) Review and re-adopt:
  - a) ZBA Procedural Guidelines
  - b) Code of Conduct
  - c) Guidelines to Open Meetings Law and Ethical Issues
- 2) Review all current templates for writing draft decisions.
- 3) Review meeting dates for 2023.
- 4) Appointment by the Chairperson of Vice Chair for the year 2023.

**III. WORK SESSION:** Begin at 10:00 AM.

- A. Requests from Board Members for future agenda items.
- B. Request from Pat Moore re: #7674, 465 Brown Street.
- C. Request from Mike Kimack re: #7707, Richard Savarese.
- D. Request from Tom Samuels re: #7457, Nardolillo.
- E. Interdepartmental Meeting scheduled for January 12, 2023.
- F. Land Use Training scheduled for January 19, 2023.
- G. Two public hearing adjournments.

**IV. 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:

KEKJS Headquarters, LLC #7718  
KEKJS Headquarters, LLC #7719SE  
Sam Orlofsky #7720  
460 Oyster Ponds Lane, LLC; Ann G. Ffolliott #7721  
Nicholas Tzoumas #7717  
Fritze Fishers, LLC #7725  
The Gaines Gwathmey Family 2012 Trust #7695  
Nicole Eckstrom and Carlos Saavedra #7722  
Jeanne and Jose Castano #7724  
Cinthia Thorp #7733  
Timothy MacDonald #7734  
Julia Kiely (Broder) #7726

**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.

**No. 1 - 10:00 A.M. - SHEILA STOLTZ #7699 – (Adjourned from November 3, 2022) Request for Variances from Article XXIII, Section 280-124; and the Building Inspector’s May 12, 2022 Notice of Disapproval based on an application for a permit to demolish an existing dwelling and construct a new single family dwelling with a habitable third story; at; 1) located less than the code required minimum front yard setback of 40 feet; 2) located less than the code required minimum rear yard setback of 50 feet; 3) more than the code permitted maximum lot coverage of 20%; 4) exceeds maximum permitted stories of two and one half (2 ½); located at: 2025 Smith Road, Peconic, NY. SCTM No. 1000-98-4-19.2.**

**No. 2 - 10:10 A.M. - KEKJS HEADQUARTERS, LLC #7718 - Request for a Variance from Article XXIII, Section 280-123 and the Building Inspector’s August 18, 2022 Notice of Disapproval based on an application for a permit to construct a deck addition and an accessory apartment on the second floors of a pre-existing accessory garage with a room above, at; 1) a non-conforming building containing a non-conforming use shall not be enlarged, reconstructed, structurally**

altered or moved, unless such building is changed to a conforming use; at: 28495 Main Road, Cutchogue, NY. SCTM No. 1000-102-5-19.

**No. 3 - 10:20 A.M. - KEKJS HEADQUARTERS, LLC #7719SE** - Request a Reversal of the Building Inspector's August 18, 2022 Notice of Disapproval relating to Town Code Article X, Section 280-45B(1); Article III, Section 280-13B(13) based on an application for a permit to construct a deck addition and an accessory apartment on the second floors of a pre-existing accessory garage with a room above, and to request a Special Exception pursuant to Article X, Section 280-45B(11) for a Conversion of an existing building to apartments as set forth in and regulated by Article VII, Section 280-38B(6) of the Residential Office District; located at 28495 Main Road, Cutchogue, NY. SCTM No. 1000-102-5-19.

**No. 4 - 10:30 A.M. - SAM ORLOFSKY #7720** - Request for Variances from Article XXII, Section 280-116A(1); Article XXIII, Section 280-124; and the Building Inspector's August 12, 2022, Amended August 25, 2022 Notice of Disapproval based on an application for a permit to construct deck additions to an existing family dwelling at; 1) located less than the minimum code required 100 feet from the top of the bluff; 2) more than the code permitted maximum lot coverage of 20%; located at: 18575 Soundview Avenue, Southold, NY. SCTM No. 51-1-12.

**No. 5 - 10:40 A.M. - 460 OYSTER PONDS LANE, LLC; ANN G. FFOLIOTT #7721** - Request for Variances from Article III, Section 280-14 and the Building Inspector's July 15, 2022 Notice of Disapproval based on an application for a permit for a lot line change to create two nonconforming lots; 1) lots #1 & #2 proposed at less than the code required minimum lot size of 40,000 sq. ft. in area; 2) lot #1 proposed at less than the code required minimum lot width of 150 feet; 3) lot #2 proposed at less than the code required minimum lot depth of 175 feet; located at: 510 and 390 Oyster Ponds Lane, Orient, NY. SCTM No. 1000-24-1-4.1 and 1000-24-1-2.

**No. 6 - 10:50 A.M. - PATRICIA AND ARGYRIS DELLAPORTAS #7676** – (Adjourned from October 6, 2022) Request for a Variance from Article III, Section 280-15 and Building Inspector's May 10, 2022 Notice of Disapproval based on an application for a permit to legalize an "as built" accessory building; 1) located less than the code required minimum rear yard property line setback of 10 feet; located at: 7970 Main Road, East Marion, NY. SCTM No. 1000-31-6-32.1.

**No. 7 - 11:00 A.M. - NICHOLAS TZOUMAS #7717** - Request for Variances from Article XXIII, Section 280-124 and the Building Inspector's July 21, 2022 Notice of Disapproval based on an application for a permit to construct a second floor addition to an existing single family dwelling at; 1) less than the code required minimum front yard setback of 35 feet; 2) less than the code required minimum rear yard setback of 35 feet located at: 35 Clark Road, Southold, NY. SCTM No. 51-3-26.

**No. 8 - 1:00 P.M. - FRITZE FISHERS, LLC #7725** – REQUEST FROM APPLICANT'S REPRESENTATIVE TO ADJOURN THE HEARING TO APRIL 6, 2023 AT 10:00 AM.

**No. 9 - 1:10 P.M. - THE GAINES GWATHMEY FAMILY 2012 TRUST #7695** - Request for Variances from Article III, Section 280-14; and the Building Inspector's May 24, 2022 Notice of Disapproval based on an application for a permit for a lot line change, at; 1) Lot 1 & 2 measuring less than the minimum code required lot size of 120,000 sq. ft.; 2) Lot 1 measuring less than the code required minimum lot width of 200 feet; 3) Lot 1 & 2 measuring less than the minimum lot depth of 300 feet; located at: East End Road & 137 Pheasant Drive, (Adj. to East Harbor) Fishers Island, NY. SCTM No. 1000-5-2-2 & 1000-5-2-3.

**No. 10 - 1:20 P.M. - NICOLE ECKSTROM AND CARLOS SAAVEDRA #7722** - Request for a Variance from Article XXIII, Section 280-123 and the Building Inspector's July 6, 2022 Notice of Disapproval based on an application for a permit to construct additions and alterations to an existing accessory garage at; 1) a non-conforming building containing a non-conforming use shall not be enlarged, reconstructed, structurally altered or moved, unless such building is changed to a conforming use; located at: 590 Haywaters Drive, Cutchogue, NY. SCTM No. 104-5-22.

**No. 11 - 1:30 P.M. - JEANNE AND JOSE CASTANO #7724** - Request for a Variance from Article XXIII, Section 280-124; and the Building Inspector's August 11, 2022, Notice of Disapproval based on an application for a permit to demolish (as per Town Code definition) and reconstruct a single family dwelling at; 1) located less than the code required minimum rear yard setback of 35 feet; located at: 1700 Grathwohl Road, New Suffolk, NY. SCTM No. 1000-117-4-3.

**No. 12 - 1:40 P.M. - CINTHIA THORP #7733** - Request for Variances from Article XXIII, Section 280-124; and the Building Inspector's September 12, 2022 Notice of Disapproval based on an application for a permit to construct additions and alterations to an existing single family dwelling, at; 1) located less than the code required minimum side yard setback of 10 feet; 2) located less than the code required minimum combined side yard setback of 25 feet; located at: 120 South Lane, (Adj. to Gardiners Bay) East Marion, NY. SCTM No. 1000-37-6-3.4.

**No. 13 - 1:50 P.M. - TIMOTHY MACDONALD #7734** - Request for a Variance from Article XXIII, Section 280-124; and the Building Inspector's October 4, 2022 Notice of Disapproval based on an application for a permit to legalize an accessory garage, at; 1) located less than the code required minimum side yard setback of 5 feet; located at: 405 Mayflower Road, Mattituck, NY. SCTM No. 1000-107-8-21.

**No. 14 - 2:00 P.M. - JULIA KIELY (BRODER) #7726** - Request for Variances from Article III, Section 280-15; Article XXIII, Section 280-124; and the Building Inspector's August 18, 2022, Notice of Disapproval based on an application for a permit to construct a second floor addition on an existing single family dwelling and to legalize an "as-built" pergola on an existing accessory structure at; 1) dwelling is located less than the code required minimum side yard setback of 15 feet; 2) pergola is located less than the code required minimum side yard property line setback of 10 feet; located at: 16045 Main Road, Mattituck, NY. SCTM No. 1000-115-1-7.

**No. 15 - 2:10 P.M. - RICHARD MARTINO #7694 - REQUEST FROM APPLICANT'S REPRESENTATIVE TO ADJOURN THE HEARING TO MAY 4, 2023 AT 10:00 AM.**

## **VI. RESOLUTIONS:**

- A. **Resolution** for next Regular Meeting with Public Hearings to be held Thursday, February 2, 2023, 9:00 AM.
- B. **Resolution** to approve Minutes from Special Meeting held December 15, 2022.
- C. **Resolution** to amend Decision Appeal No. 7674, 465 Brown Street Greenport, LLC to remove/amend Condition Nos. 4 & 5 relating to Septic Systems, SCTM No. 1000-48-3-20.1.