

ZONING BOARD OF APPEALS

SPECIAL MEETING NOTICE OF JANUARY 19, 2023

A Special Meeting has been scheduled for Thursday, January 19, 2023 at 5:00 PM in the Annex Conference Room, 2nd Floor, located at 54375 Main Road, Southold, NY in Person and VIA Zoom. The following members of the board will be attending via Zoom:

Nicholas Planamento will be attending by Zoom from 130 Penstraat, Apt. #471/472, Willemstad, Curacao.

Patricia Acampora will be attending by Zoom from. 3100 S. Ocean Blvd. Highland Beach, FL

Leslie Kanes Weisman, Chairperson
Zoning Board of Appeals

**ZONING BOARD OF APPEALS
SPECIAL MEETING AGENDA
THURSDAY, JANUARY 19, 2023**

4:00 PM

The meeting will be held in the Southold Town Hall Annex Conference Room located at 54375 Main Road, Southold, New York.

The public will have access to view and listen to the meeting as it is happening via ZOOM WEBINAR. However, this meeting is not a public hearing and no testimony will be solicited or received. 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 and then enter Webinar ID: 895 2217 0197, Passcode: 323199

I. EXECUTIVE SESSION: To begin at 4:00 PM

A. Attorney advice.

II. WORK SESSION: To begin at 5:00 PM

A. Requests from Board Members for future agenda items.

III. POSSIBLE RESOLUTION TO ADJOURN THE FOLLOWING HEARINGS:

KCE NY 26, LLC #7686 – (Adjourned from December 1, 2022) Request for an Interpretation pursuant to Article XV, Section 280-62, and the Building Inspector’s April 6, 2022, Amended April 13, 2022 Notice of Disapproval based on an application for a permit to construct a new Battery Energy Storage Facility, to determine whether the proposed Battery Energy Storage Facility is a Use Permitted by a Special Exception; located at: 10750 Oregon Road, Cutchogue, NY. SCTM No. 1000-83-3-6.1. *To be adjourned to April 6, 2023.*

KCE NY 26, LLC #7684SE - (Adjourned from December 1, 2022) Request for Special Exception pursuant to Article XV, Code Section 280 -62B(5) to construct and allow for public utility structures and uses; i.e., battery energy storage system facility; located at 10750 Oregon Road, Cutchogue, NY. SCTM#1000-83-3-6.1. *To be adjourned to April 6, 2023.*

KCE NY 26, LLC #7685 - (Adjourned from December 1, 2022) Request for Variances from Article XXII, Section 280-109A(1) & (2); Article XV, Section 280-63; and the Building Inspector's April 6, 2022, Amended April 13, 2022 Notice of Disapproval based on an application for a permit to construct a new Battery Energy Storage Facility and to subdivide the existing parcel, at 1) proposed created lot shall require direct access to a public street in accordance to NYS Town Law 280-a; 2) height of structure more than the code permitted maximum 35 feet in height; 3) structure less than the code required side yard setback of 20 feet; located at: 10750 Oregon Road, Cutchogue, NY. SCTM No. 1000-83-3-6.1. *To be adjourned to April 6, 2023.*

IV. POSSIBLE RESOLUTION TO CLOSE THE FOLLOWING HEARINGS:

NICOLE ECKSTROM AND CARLOS SAAVEDRA #7722 – (Adjourned from January 5, 2023) 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.

V. DELIBERATIONS/POSSIBLE DECISIONS/RESOLUTIONS:

SHEILA STOLTZ #7699 – 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.

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.

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.

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.

460 OYSTER PONDS LANE, LLC; ANN G. FFOLLIOTT #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.

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.

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.

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.

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.

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.

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.

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.

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.

VI. RESOLUTIONS

- a) **Resolution**: To authorize advertising of hearings for Regular Meeting to be held on Thursday, February 2, 2023 which Executive Session will commence at 8:30 A.M., Organizational Meeting will commence at 9:00 A.M., and Regular Meeting will commence at 10:00 A.M.
- b) **Resolution**: To approve minutes from the January 5, 2023 Regular Meeting.
- c) **Resolution**: To Grant an Extension for 12 months of Condition No. 3 of Appeal Decision #7455, David Cannizzaro, 1460 Strohson Road, Cutchogue, SCTM No. 1000-103-10-29.1