

## **AGENDA**

### **SOUTHOLD TOWN ZONING BOARD OF APPEALS REGULAR MEETING THURSDAY, JUNE 3, 2021 at 9:00 AM**

Due to public health and safety concerns related to COVID-19, the Zoning Board of Appeals will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, the JUNE 3, 2021 Zoning Board of Appeals Regular Meeting with public hearings will be held via video conferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live, and will be permitted to speak.

Details about how to tune in via video conferencing and make comments during the meeting are on the Town's website agenda under <http://www.southoldtownny.gov/calendar.aspx>. Click the Link to Join the Meeting.

Or if you choose to Join by Telephone, Dial: 1-646 558 8656; Enter Webinar ID: 955 9073 0347; and Passcode: 904948.

Call to Order by Chairperson Leslie Kanes Weisman.

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

- A. Attorney advice

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

- A. Requests from Board Members for future agenda items.

#### **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:

Heather Lanza #7500  
William R. Ahmuty and Joellen Ahmuty #7495  
Petros and Penny Tsekouras #7499  
F. I. Weathervane Enterprise, LLC #7496  
Claudia King Ramone #7497  
Cecilia Ott and Endre Meszaros #7510  
David Rohde #7503  
Peter Torkelsen #7506  
Jonathan Babkow and Maia Rubin #7514  
Marcel and Shelley Dzama #7515

### **III. POSSIBLE RESOLUTION TO CLOSE THE FOLLOWING HEARINGS:**

**KONSTANTINOS DIAKOVASILIS #7465SE** – (Adjourned from May 20, 2021) Applicant requests a Special Exception under Article III, Section 280-13B(13). The Applicant is owner of subject property requesting authorization to establish an Accessory Apartment in an existing accessory structure; at: 2095 Ruth Road, Mattituck, NY. SCTM#1000-106.-7-6.

**LEON PETROLEUM LLC (BP Mattituck) #7493** – (Adjourned from May 20, 2021) Request for Variances from Article XIX, Section 280-85D(7) and Section 280-87A; and the Building Inspector's March 1, 2021 Notice of Disapproval based on an application for a permit to replace three (3) existing roof signs and one (1) existing freestanding sign; at 1) four (4) signs proposed to be internally lit, which is not permitted; a sign may only be lit from an external source; 2) freestanding sign is more than the maximum size permitted of 24 sq. ft. feet in area; 3) freestanding sign is more than the maximum height permitted of 15 feet above the ground; located at: 16900 NYS Route 25, Mattituck, NY. SCTM No. 1000-115-3-9.

**LEON PETROLEUM LLC (BP Peconic) #7494** – (Adjourned from May 20, 2021) Request for Variances from Article XIX, Section 280-85D(7) and Section 280-87A; and the Building Inspector's March 1, 2021 Notice of Disapproval based on an application for a permit to replace three (3) existing roof signs and one (1) existing freestanding sign; at 1) four (4) signs proposed to be internally lit, which is not permitted; a sign may only be lit from an external source; 2) freestanding sign is more than the maximum size permitted 24 sq. ft. feet in area; 3) freestanding sign is more than the maximum height permitted 15 feet above the ground; located at: 32400 County Road 48, Peconic, NY. SCTM No. 1000-74-4-7.1.

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

**KONSTANTINOS DIAKOVASILIS #7465SE** – (Adjourned from May 20, 2021) Applicant requests a Special Exception under Article III, Section 280-13B(13). The Applicant is owner of subject property requesting authorization to establish an Accessory Apartment in an existing accessory structure; at: 2095 Ruth Road, Mattituck, NY. SCTM#1000-106.-7-6.

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existing roof signs and one (1) existing freestanding sign; at 1) four (4) signs proposed to be internally lit, which is not permitted; a sign may only be lit from an external source; 2) freestanding sign is more than the maximum size permitted of 24 sq. ft. feet in area; 3) freestanding sign is more than the maximum height permitted of 15 feet above the ground; located at: 16900 NYS Route 25, Mattituck, NY. SCTM No. 1000-115-3-9.

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**V. PUBLIC HEARINGS: To Begin at 10:00 A.M.** - 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. - HEATHER LANZA #7500** - Request for a Variance from Article III, Section 280-15; and the Building Inspector’s March 19, 2021 Notice of Disapproval based on an application for a permit to reconstruct a deck addition to an existing single family dwelling; at; 1) resulting in an existing accessory garage located in other than the code permitted rear yard; located at: 2200 Yennecott Drive, Southold, NY. SCTM No. 1000-55-4-32.1.

**No. 2 - 10:10 A.M. - WILLIAM R. AHMUTY AND JOELLEN AHMUTY #7495** - Request for Variances from Article XXIII, Section 280-124; and the Building Inspector’s March 5, 2021 Notice of Disapproval based on an application for a permit to construct a deck addition to a 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 of 25 feet; 3) more than the code permitted maximum lot coverage of 20%; located at: 3405 Bay Shore Road, Greenport, NY. SCTM No. 1000-53-6-10.

**No. 3 - 10:20 A.M. - PETROS AND PENNY TSEKOURAS #7499** - Request for a Variance from Article III, Section 280-15; and the Building Inspector’s March 15, 2021 Notice of Disapproval based on an application for a permit to construct an accessory in-ground swimming pool; at 1) located in other than the code permitted rear yard; located at: 1852 North Bayview Road, (Adj. to Goose Creek) Southold, NY. SCTM No. 1000-70-12-39.4.

**No. 4 - 10:30 A.M. – F. I. WEATHERVANE ENTERPRISE, LLC #7496** - Request for Variances from Article III, Section 280-14; and the Building Inspector’s March 7, 2021 Notice of Disapproval based on an application for a permit for a lot line change; at 1) Lot 1 measuring less the minimum code required lot size of 120,000 sq. ft.; 2) Lot 2 measuring less than the minimum code required lot size of 120,000 sq. ft.; 3) Lot 1 measuring less than the code required minimum lot width of 200 feet; located at: Off East End Road, Fishers Island, NY. SCTM No. 1000-2-1-8.1 and 1000-2-1-8.2.

**No. 5 - 10:40 A.M. - CLAUDIA KING RAMONE #7497** - Request for Variances from Article XXIII, Section 280-124; and the Building Inspector’s February 24, 2021 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 rear yard setback of 35 feet; 2) more than the code permitted maximum lot coverage of 20%; located at: 130 Village Lane, Orient, NY. SCTM No. 1000-18-5-6.

**No. 6 - 10:50 A.M. - CECILIA OTT AND ENDRE MESZAROS #7510** - Request for Variances from Article III, Section 280-15; and the Building Inspector's April 6, 2021 Notice of Disapproval based on an application for a permit to legalize an as built shed and an as built hot tub; at; 1) shed is located in other than the code permitted rear yard; 2) hot tub is located in other than the code permitted rear yard; located at: 1225 Arrowhead Lane, Peconic, NY. SCTM No. 1000-98-3-8.

**No. 7 - 11:00 A.M. - DAVID ROHDE #7503** - Request for a Variance from Article III, Section 280-15; and the Building Inspector's February 22, 2021 Notice of Disapproval based on an application for a permit to install an accessory generator; at; 1) located in other than the code permitted rear yard; located at: 1615 Anchor Lane, (Adj. to Shelter Island Sound) Southold, NY. SCTM No. 1000-79-4-6.1.

**No. 8 - 1:00 P.M. - PETER TORKELSEN #7506** - Request for a Variance from Article XXIII, Section 280-124; and the Building Inspector's March 25, 2021 Notice of Disapproval based on an application for a permit to legalize an "as-built" deck addition to an existing single family dwelling; at 1) located less than the code required rear yard setback of 35 feet; located at: 800 Summer Lane, Southold, NY. SCTM No. 1000-78-9-18.

**No. 9 - 1:10 P.M. – JONATHAN BABKOW AND MAIA RUBIN #7514** - Request for a Variance from Article XXIII, Section 280-105; and the Building Inspector's April 15, 2021 Notice of Disapproval based on an application for a permit to construct an eight (8) feet fence surrounding a tennis court in the front yard; at; 1) more than the code required maximum four (4) feet in height when located in the front yard; located at: 360 Private Road #8, (Adj. to Dam Pond) East Marion, NY. SCTM No. 1000-23-1-18.1.

**No. 10 - 1:20 P.M. – MARCEL AND SHELLEY DZAMA #7515**- Request for Variances from Article III, Section 280-15; and the Building Inspector's April 19, 2021 Notice of Disapproval based on an application for a permit to construct an accessory in-ground swimming pool and to legalize an existing accessory greenhouse; at; 1) pool is located in other than the code permitted rear yard; 2) greenhouse is located in other than the code permitted rear yard; located at: 1620 Koke Drive (Adj. to Dam Pond) Southold, NY. SCTM No. 1000-87-5-19.3.

**No. 11 - 1:30 P.M. - VINCENT BERTAULT #7467** – (Adjourned from April 1, 2021) Request for Variances from Article III, Section 280-15; Article XXIII, Section 280-124; and the Building Inspector's October 22, Notice of Disapproval based on an application for a permit to construct additions and alterations to an existing single family dwelling, and construct an in ground swimming pool; at 1) proposed additions located less than the code required minimum front yard setback of 35 feet; 2) the accessory swimming pool is located in other than the code permitted rear yard; located at: 95 Navy Street, Orient, NY. SCTM No. 1000-26-1-12.2.

**No. 12 - 1:40 P.M. - VINCENT BERTAULT #7468SE** – (Adjourned from April 1, 2021) Applicant requests a Special Exception under Article III, Section 280-13B(13). The Applicant is owner of subject property requesting authorization to establish an Accessory Apartment in an existing accessory structure; at: 95 Navy Street, Orient, NY. SCTM#1000-26-1-12.2.

**VI. RESOLUTIONS:**

- A. Resolution for next Regular Meeting with Public Hearings to be held Thursday, July 1, 2021, at 9:00 AM.
- B. Resolution to approve Minutes from Special Meeting held May 20, 2021.
- C. Resolution to Grant a One Year extension of Variance Relief Appeal No. 7127 dated May 17, 2018, Kevin and Nance Foote.
- D. Resolution to Grant a three (3) month Extension for approval condition of Appeal No. 7396, Anthony Tartaglia and James Howell dated November 19, 2020.
- E. Resolution (FINAL) to Extend Determination of Variance Relief for ZBA File No. 7099.

WHEREAS, the Town of Southold Zoning Board of Appeals (“the Board”) has received a written request for an extension the variance relief from the applicant, through their attorney, on File No. 7099 for Edward and Diane Daley located at 1550 Paradise Point Road, Southold, more particularly known as Suffolk County Tax Map No. 1000-81-3-23;

WHEREAS, the Board notes, and the applicant acknowledges, that the request for an extension has been made after the date on which the variance expired, and;

WHEREAS, Section 280-146 (B) requires that a written request for an extension be made prior to the expiration of the variance, and;

WHEREAS, the applicant’s attorney has requested that the applicant not be required to reapply for the expired variance relief on various grounds, including but not limited to: the completion of the project, the recent expiration of the variance, a delay caused by a stop work order, delays caused by a shutdown of construction due to the COVID-19 pandemic, as well as delays caused thereafter by shortages in the supply chain due to the COVID-19 pandemic, and;

WHEREAS, the Board, pursuant to Section 280-146 (B) has the power to vary any regulation contained in Chapter 280 so that the spirit of the chapter is observed, public safety and welfare preserved and that substantial justice is done, including the requirement that a written request for an extension must be provided prior to expiration of the variance, and;

WHEREAS, the Board has determined that based upon the factors set forth by the applicant’s attorney as cited above, that in this instance it is necessary for the Board to vary the requirement that a written request for an extension be made prior to the expiration of a variance, therefore be it;

RESOLVED, the Board with regard to the request for an extension of the variance granted in File No. 7099 elects to vary the requirement that a written request must be made prior to the expiration of the variance, and be it further;

RESOLVED, the Board hereby grants a sixty (60) day extension of the variance relief granted in File No. 7099, from the date of the May 20, 2021 Special Meeting, to expire on August 2, 2021

