



Town of Shelter Island Zoning Board of Appeals Application

TAX MAP NUMBER 700-26-1-1.4

Address of Subject Property: One Shorewood Court

1. APPLICANT - Applicant must be a party in interest

NAME: Agent

COMPANY NAME (if applicable) Fleming & Darrell PLLC

ADDRESS: 10 Gingerbread Lane
East Hampton NY 11937

PHONE: (631) 324-8778

2. OWNER(S) - All owners on the current deed.

NAME: American Direct LLC

NAME: _____

ADDRESS: 353 Central Park West
New York NY 10025

ADDRESS: _____

3. Are there any *Violations* or *Notices of Violation* outstanding on this property?

YES / NO (Circle)

If yes, attach copies.

Zoning Board of Appeals

Answer Sheet for Applicants

Seeking an Area Variance

New York State TOWN LAW §267-1(b) states:

“‘Area variance’ shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.”

New York State TOWN LAW §267-b(3)b states that the Zoning Board must answer the following questions in order to give you your variance. Help convince them by answering the following questions if you are seeking an AREA VARIANCE:

(1) Will giving you a variance cause an undesirable change in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? Why not?

Property subject to a subdivision. Existing accessory structures shall be sited where no primary structure exists. Primary structure to be constructed within two (2) years

(2) Can the benefit you seek from this variance be achieved by some other method? What other methods have you considered and why won't they work?

No, applicant seeks to live at the property to determine how the principal structure shall be designed to maximize winter sun and vistas.

(3) How substantial is the variance you request from what the law allows?

Not substantial as they are historic structures from the Artemas Ward Estate.

(4) Will the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Why or why not?

No principal structure shall be constructed.

(5) How did you get yourself into a situation where you need a variance? Was it a self-created problem? (This consideration is relevant to the decision of the board of appeals, but does not necessarily preclude the granting of the area variance).

Existing historic portions of Ward house moved to a
portion of the lot that will be a new lot when
subdivision approved.

It would be beneficial to your case to secure a letter in support from neighbors of adjoining properties.

If the variance request is substantial or unusual, please be prepared to present examples of similar situations in your neighborhood in the form of photos and/or prior ZBA decisions.



Town of Shelter Island
P.O. Box 970
38 North Ferry Road
Shelter Island, NY 11964

Tel. (631)749-0291 ex. 2016

Fax (631)749-0728

February 24, 2010.

William J. Fleming, Esq.
Fleming & Darrell, PLLC
Ten Gingerbread Lane
East Hampton, NY 11937

Dear Mr. Fleming:

Re: American Direct – One Shorewood Ct., Shelter Island, NY
SCTM# 0700/023/01/01.4 – Zone A-Residential

In response to your letter of January 15, 2010 concerning the proposed sub-division of the aforementioned parcel which would place the water tower, remains of a pre-existing cottage, and wood tower remaining on that portion of the proposed division which would not have a primary dwelling, please be advised our Zoning Ordinance does not permit "accessory buildings/structures/uses on a parcel without a principal building (residence) per Section 133-6 E (3) (b). In addition, your letter references the possibility of the owner adding a swimming pool, pool house and detached garage to this proposed parcel prior to the construction of a primary residence. This is also not permitted, under the same section of Code but cannot be included in this application as we have no specifics on those items.



SHELTER ISLAND PLANNING BOARD

P.O. Box 970
Shelter Island, New York 11964-0970
tel: 631-749-0758 fax: 631-749-0227
e-mail: sipb@shelterislandtown.us

March 7, 2010

Shelter Island Zoning Board of Appeals
Shelter Island Town Hall
38 North Ferry Road
Shelter Island, NY 11964

Re: American Direct, LLC Proposed Subdivision
SCTM # 0700-023-01-01.4

Memo to the Shelter Island ZBA,

The Shelter Island Planning Board granted sketch plan approval for the subdivision of the subject parcel into 2 lots (Our resolution 33-2008) on December 16, 2008. At that time both of the proposed lots would have conformed to the Shelter Island Zoning Code.

The applicants did not proceed with the subdivision process until recently but in the interim they moved the previously existing principal building (dwelling) to a location on lot #1 of the proposed subdivision. A revised survey of the proposed subdivision dated 3/2/10 by Squires, Holden, Weisenbacher & Smith, Land Surveyors, shows currently existing conditions on the lot with the Principal building on the proposed lot #1.

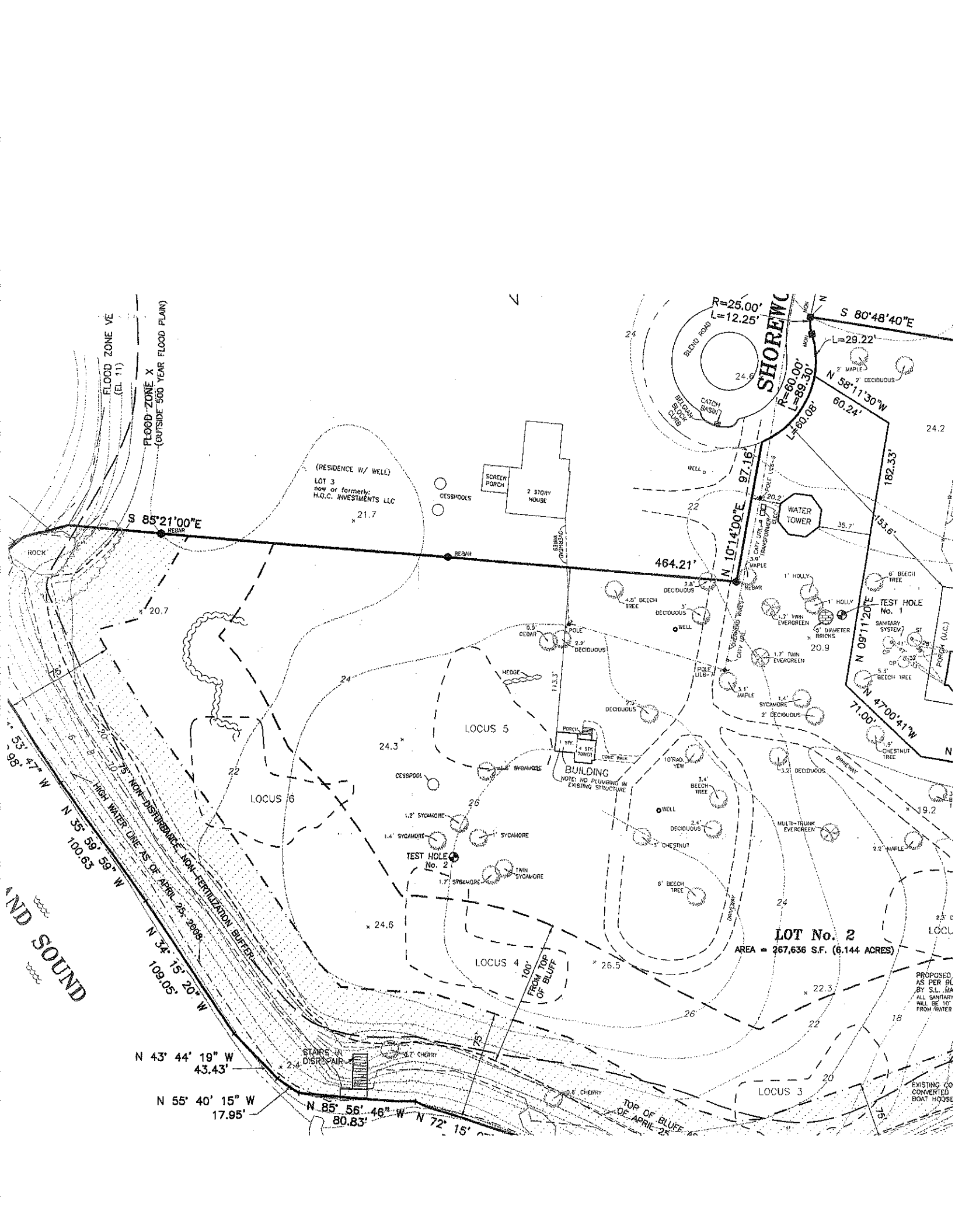
The Planning Board now is unable to proceed with the subdivision process because doing so would create a non-conforming lot (lot #2). (See Section 133-6 E (3) (b) of the Town Zoning Code.

Section 111- 34 A and 37A of the Subdivision Regulations do not permit the Planning Board to create non-conforming lots. A ZBA variance is therefore required before we may proceed with the subdivision process.

In view of the historic nature of the structures remaining on proposed lot #2 and the applicants desire to retain those structures and incorporate the tower into a new principal residence on lot #2 (thereby bringing the lot into conformity), the Planning Board has no objections to the requested variance.

The Shelter Island Planning Board

Paul E. Mobius Jr.
Chairman



FLOOD ZONE VE
(EL. 11)

FLOOD ZONE X
(OUTSIDE 500 YEAR FLOOD PLAIN)

(RESIDENCE W/ WELL)
LOT 3
now or formerly:
H.O.C. INVESTMENTS LLC
x 21.7

SCREEN PORCH
2 STORY HOUSE

SHOREWC
R=25.00'
L=12.25'

R=60.00'
L=89.30'

S 80°48'40"E
L=29.22'

N 58°11'30"W
60.24'

S 85°21'00"E
REBAR

N 10°14'00"E
97.16'

464.21'

TEST HOLE No. 1
SANITARY SYSTEM
5' DIAMETER BRICKS
20.9'

1' HOLLY
1' HOLLY
1.7' TWIN EVERGREEN
1.7' TWIN EVERGREEN
3.4' BEECH TREE
1.4' SYCAMORE
2' DECIDUOUS
1.5' CHESTNUT TREE

LOCUS 5

BUILDING
NOTE: NO PLUMBING IN EXISTING STRUCTURE

LOCUS 6

TEST HOLE No. 2

LOCUS 4

LOT No. 2
AREA = 267,636 S.F. (6.144 ACRES)

AND SOUND

N 43° 44' 19" W
43.43'

N 55° 40' 15" W
17.95'

N 85° 56' 46" W
80.83'

N 72° 15' 00" W

LOCUS 3

EXISTING CO
CONVERTED
BOAT HOUSE

TOP OF BLUFF
APRIL 25