

ZONING BOARD OF APPEALS  
TOWN OF SHELTER ISLAND

Appeal 12-11

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APPLICATION BY JBS PROPERTIES INC.  
FOR SPECIAL PERMIT AT 11 STEARNS  
POINT ROAD, SHELTER ISLAND, NEW YORK  
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**WHEREAS**, JBS Properties Inc. has applied for a special permit at 11 Stearns Point Road, Shelter Island, NY, which is Zone “A-Residential” on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/014/01/40.4., and Applicant seeks a special permit pursuant to Section 133-23(C) to expand a nonconforming use by constructing a pool and pool patio

**WHEREAS**, the Building Official has reviewed the application and issued a letter of disapproval dated October 26, 2011 stating that Applicant needs a special permit pursuant to Section 133-23(C) to expand a nonconforming use by constructing a pool and pool patio; and

**WHEREAS**, the applicant has filed Application No. 12-11 for a special permit from the Zoning Board of Appeals; and

**WHEREAS**, this Board considered the application and accompanying documents at a public hearing held pursuant to notice on December 14, 2011; and

**WHEREAS**, this Board now wishes to render a decision on this application,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Board makes the following findings:

1. The project is located on a 97,470 s.f. lot which have been developed as a nonconforming small inn and restaurant since long before the commencement of zoning; and
2. The property is located in the A-Residential zone and fronts on Stearns Point Road to west, a private road to the north and residential properties to the southeast and southwest; and
3. The use currently exists as an eleven bedroom inn (8 in the main building and 3 in building 2) and a public restaurant called La Maison Blanche; and
4. Applicant proposes to add a 16' x 32' swimming pool and patio behind and to the east of the existing inn; and

and be it further

**RESOLVED**, that this Board hereby establishes itself as Lead Agency pursuant to SEQRA and adopts a Negative Declaration as to the special permits, finding that what is being approved is an “unlisted” action; and be it further

**RESOLVED**, that the Board has considered the request for a special permit to expand a nonconforming use by adding a pool and pool patio to the existing business and finds the proposal to be in compliance with the standards set forth in Section 133-35 of the Code of the Town of Shelter Island as set forth below:

- a. The proposed addition of pool is generally suitable and in harmony with the community because the addition of a modestly-sized pool to be used only by the inn guests and their guests will enhance the economic viability of La Maison Blanche, a long-standing nonconforming use in the neighborhood, which in turn helps property values in the adjoining community while not increasing the number of guest rooms. The property has sufficient parking and the imposition of the conditions of approval set forth below will minimize the visual, noise and lighting impacts of this project; and
- b. The proposed facilities are in a suitable location, behind the inn and adjacent to a private alley which will maintain a reasonable distance from adjacent residences; and
- c. The addition of a pool for use by inn guests and their guests only will not increase parking demands or congestion in the area; and
- d. The project should not create environmental concerns as the pool will be filled with off-island water, the pool equipment will be enclosed and the proposed location is well-screened by hedges and vegetation. Furthermore, the conditions imposed below will prevent negative light and noise impacts from the project; and
- e. The lot is big enough to accommodate this expansion without need for a variance, there is adequate parking, the existing building and vegetation will create a sound barrier for adjacent properties, so that this is a suitable project for development on this site;

**BE IT FURTHER RESOLVED**, that Zoning Board, after taking into consideration the above findings, finds that the findings of Section 133-35 have been met, the proposed use is in the best interest of the town and the Special Permit to add a pool and pool patio use should be allowed, subject to the following conditions of approval:

1. The construction of a pool and patio shall be as shown in the site plan attached to this resolution.
2. The lighting on the pool and pool patio shall be designed as to direct light only to the subject property and be designed in a way that minimizes the impact on adjacent properties.
3. This special permit approval requires that pool hours of operation and use be limited to no more than daytime hours between 9am to 9pm.
4. In order to prevent increased parking demands, the use of the pool and patio is restricted to use by hotel guests and their guests only.

5. The pool equipment will be enclosed to reduce noise impacts.
6. A stockade fence shall be erected along the easterly edge of the property line along the pool and pool patio wherever such a fence does not currently exist prior to issuance of a C.O. unless applicant obtains a document from the adjacent neighbor waiving such a fence.

**BE IT FURTHER** noted that pursuant to Town Code 133-35(H) the grant of a special permit by the ZBA shall expire one year thereafter unless a building permit is obtained in accordance therewith.

Dated: January 25, 2012

AYES: 5

NAYS: 0

ABSTAIN: 0