

The regular monthly meeting of the Shelter Island Zoning Board of Appeals was held on February 24, 2016, at 7:30 p.m. prevailing time in the Shelter Island Town Hall, Shelter Island, New York.

**Board Members Present:** Chairman Doug Matz, William Johnston III, Lynne Colligan, Neal W. Raymond

**Board Members Excused:** Phil D’Orio

**Others Present:** Mary Dudley, Andrew Berman, Stella Lagudis, Julie Lane, Bob Reylek, Mary Kanarvogel, Mark Kanarvogel, Mary Wilson, Steve Schappachio, Robert Herrmann

Member Neal Raymond opened the meeting at 7:30 p.m.

Minutes from February 10, 2016 were approved.

**RESOLUTIONS:**

**Watts 05-15:** DENIED 4(DM, LC, WJ, NR)-0-1 absent (PD)

**Borthwick 09-15:** APPROVED 4(DM, LC, WJ, NR)-0-1 absent (PD)

**Kanarvogel 01-16:** APPROVED 4(DM, LC, WJ, NR)-0-1 absent (PD)

**Applications:**

These minutes contain materials which paraphrase and or summarize statements made during this hearing. Only text enclosed in quotation marks report a speakers exact words.

**Michel 02-16**

ZBA Clerk: A hearing on the application of Katherine Michel for multiple variances at 24 Wesley Avenue, Shelter Island Heights, NY, which is Zone “AA-Residential” on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/05/02/015. Applicant seeks variances pursuant to Section 133-6(B) to construct a bay window, trash enclosure and brick patio 3’ varying to 8.6’ from the southerly property line, an air conditioner and steps varying 4.4’ varying to 8.9’ from the easterly property line, and a patio 17.1’ from the westerly property line instead of the allowed 25’ side yard and 40’ front yard setbacks. Applicant also seeks relief from the allowed 40% lot coverage to a proposed 48.6% lot coverage.

Correspondence Received:

Letter dated, January 18, 2016, from Stella Lagudis, General Manager of the SIHPOC, supporting the application.

Michel is requesting 6 variances including lot coverage.

Architect, Andrew Berman spoke for the applicant and said he was in agreement with SIHPOC on the number of variances being requested.

Berman reviewed each variance:

First, Install three steps down from existing porch.

Second, Install an AC unit that is 8' from property line. Chairman Doug Matz asks for the decibels of AC unit. Mr. Berman stated it is 72 decibels. Mr. Berman gave the model number of the AC unit. The AC unit would be screened by yard wood fence. The neighbors also have an AC that is across the fence.

Third, Install a bay window 8.6" from south property line which will be one story and off the ground. Mr. Berman stated the house has 2 bay windows already. The new bay window fits into the context of house.

Fourth, Install wood enclosure for trash cans on south side yard. The dimensions are: 42" high, 6.5' long and 3' wide. This enclosure will be screened by plantings.

Fifth, Install a brick path and patio. The applicant will replace the existing driveway and parking with brick and mortar. The apron will be done with brick and mortar as well. The slope would be bedded in concrete. The driveway is currently concrete. ZBA members asked that the area of landscaping be clarified. Applicant said he would agree that the bricks would be 3/8" apart to ensure that the finished product was actually permeable. Mr. Berman agreed that the sloped part of the driveway will drain into street.

Sixth, exceed the allowed 40% lot coverage. Mr. Berman explained the lot coverage, saying, the lot is 4887 square feet and house is 1605 square feet. The house is already over the allowed footage. Mr. Berman explained that the new brick patio makes better use of the lot. The applicant feels it would be an improvement to the property. Patio is maximum width 12', with room for table and chairs. That is the most flat area in a sloping yard. Berman offers to make the flat part of driveway gravel instead of concrete to reduce impermeable lot coverage. Member Will Johnston agreed that it would be helpful.

Chairman Doug Matz asks if there is an alternate location for the AC unit. Chairman Matz feels that if there is not a quieter place for the unit, then they should pick a quieter model. Berman answered by saying that this location is better because it is not visible. In that way it has less of a negative impact and is in corner of house, so it is sheltered. Chairman Doug Matz says there are units in the 60 decibels range. Berman agreed, but also said those units are taller and that they would prefer a more compact unit. Chairman Matz says noise reduction is a significant issue and a quieter unit is a better choice. Chairman Matz opined that a quieter unit could also be screened. Berman offers an AC unit that is 55 decibels. Chairman Doug Matz said he would prefer it. Mr. Berman stated that he would to send specs of that unit to the ZBA.

Mr. Berman ended by saying he wants each variance to stand alone and that he is focusing on the construction activities and not so much on landscaping.

Stella Lagudis, General Manager of the SIHPOC said that if the applicant switches to gravel, she would want to check with SIHPOC to see if that is acceptable.

The hearing was closed, left open for written correspondence only until March 9, 2016.

### **Carroll 03-16**

ZBA Clerk: A hearing on the application of the Carroll Family Trust for a special permit at 56 Tuthill Drive, Shelter Island, NY, which is Zone "AA-Residential, Near Shore Overlay" on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/12/02/12.1. Applicant seeks a special permit pursuant to Section 133-23(A) to reconstruct

and add a second story to a nonconforming house which is 17.4' from the side yard line instead of the required 25' setback, and 39' from the front yard line instead of the required 40' setback.

Robert Herrmann, representing Carroll, explained the application, stating they are making a 1 1/2 story building a full 2 story and doing interior changes. Robert Herrmann says that it is an AA reverting to A, so setbacks are 25' and 40'. He asked that it be noted that the legal notice is wrong. Mr. Herrmann had photos of property and nearby houses to display for the ZBA members and audience showing nearby houses that have been reconstructed with similar setbacks.

Mr. Herrmann stated that Carroll is seeking special permit of the Town Code section 133-23A, to expand second story over existing dwelling constructed in 1930s. The existing dwelling is 17.4' instead of the required 25 foot setback and 39 feet instead of the required 40' setback.

Mr. Herrmann stated that the nearby houses have been reconstructed with similar setbacks. Mr. Herrmann mentioned that McAndrew's relief in 2004 to reconstruct house set back 28' from road, another was Church, in 1991, to construct new two story 25' from road are examples consistent with their application of 27' from road.

Mr. Herrmann also stated that the second story will be built in the character of the existing house. This is a limited expansion to do a second story within the existing footprint. New second story will increase height only by two additional feet. Mr. Herrmann pointed to photos 9a and b which show before and after pictures of the house.

Mr. Herrmann said that Carroll shared the plans with their neighbors, the Bennett's, because they would be the most impacted. Mr. Herrmann submitted an email to the clerk from Bennett giving Carroll their blessing. This renovation will add additional living space and improve the functionality of existing house. This new addition will add an extra 200 square feet after finishing the second bedroom and bathroom is done. The living space is now 1617 square feet.

Mr. Herrmann went on to say that impacts on physical and environmental conditions will be minimal. Herrmann also said there will not be an increase in lot coverage. This is a salt box design. They will add leaders, gutters and drywells. The sanitary system is designed for four bedrooms. Trees will not be removed. There will be no increase in lot coverage.

Mr. Herrmann confirmed with the members that there is no generator planned. The existing AC unit is shown on the plans and will not change at this time.

Chairman Matz wants to be sure that AC unit is acceptable on the variance. If they replace it, they may be required to move it.

Mr. Herrmann stated that this project is less than a 50 % renovation. Mary Wilson, from the Building Department, spoke and confirmed that it is less than 50%.

The hearing was closed, left open for written correspondence only until March 9, 2016.

Next work session – March 16, 2016

Next hearing – March 23, 2016

Close: 8:45 PM

Respectfully Submitted,

Jeanette Flynn  
Clerk to the ZBA