

The regular monthly meeting of the Shelter Island Zoning Board of Appeals was held on November 18, 2015, 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, Phil DiOrio, Neal W. Raymond

Others Present: Chris Lewis, Mike Kimack, Sue Peebles, Matt Sherman, Dennis Langlois, Mary Wilson, Alan Dowling, Irene Senken, Gregory Senken, Mike Johnson, Gil Johnson, Karen Hakim, Joseph Hakim, Steve Schappachel

Chairman Doug Matz opened the meeting at 7:30 p.m.

Minutes from October 21, 2015 Hearing were approved.

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.

Watts 05-15

Correspondence received:

Letter dated, October 29, 2015, Albert A. D'Agostino, representing Mr. and Mrs. J. Watts, 46 Ram Island Road, requesting an adjournment due to schedule conflict.

Applicant requested an adjournment of this hearing until December 16, 2015 due to a schedule conflict.

The Board granted this adjournment 5-0-0.

Anderson 06-15

Correspondence received:

Letter dated, October 20, 2015, John J. Bennett, representing Greg Anderson, 1 Bayview Avenue, requesting an adjournment due to schedule conflict.

Applicant requested an adjournment of this hearing until December 16, 2015 due to a schedule conflict.

This was the second request for an adjournment in as many months. The Board discussed this and agreed to grant this adjournment subject to the understanding that no further adjournments would be granted. The clerk was asked to advise applicant. The Board granted this adjournment 5-0-0.

Dowling 08-2014

Alan Dowling, requests an extension of the residential building variance for 24 Hilo Drive, granted December 10, 2014.

Since this was the first extension of this variance and the owner indicated he was ready to commence construction very soon, the Board granted this extension 5-0-0.

Ihne 04-15

ZBA Clerk: Notice is hereby given that a hearing on application of Michael and Susan Ihne for variances at 80 West Neck 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 0700/14/1/46. Applicant seeks variances from Section 133-6(B)(5) to construct a two-story, three-bay garage/workshop 8' from the north property line and 10' from the south property line, instead of the required 25' side yard setbacks.

This application was continued from October 21, 2015 hearing to discuss outstanding issues.

Mr. Ihne stated that the neighbor's septic tank under the proposed construction site was relocated at the last meeting. He proceeded to pass out photos of the proposed location to the Board.

Member DiOrio has concerns with the height and location of the proposed 2 story structure in regards to the bordering neighbor's property. Member Colligan also agreed and brought up other homeowners' privacy.

Ihne stated that this structure is out of neighbor's view and there are other 2 story homes in the neighborhood. Other locations would require him to remove trees and he doesn't want to do that.

Greg Senken, son of the neighbor whose septic tank was relocated, stepped to the podium and said that they are satisfied with the relocation. He questioned the proposed use of the new garage and if plans were available for his review. ZBA confirmed that the upstairs will be a half bath, no shower and no kitchen. Senken has requested that considerable vegetation be planted adjacent to the new structure as a buffer between his property and the Ihnes.

Ihne reiterated that the 2nd floor is only an art studio for his wife. Ihne agreed to plant an evergreen barrier.

Member Johnson requested that a clause be put into the resolution that there will be no sleeping quarters. He would also like to require a minimum tree height to the buffer planted.

Chairman Matz asked for clarification from Greg Senken as to what type of vegetation and the height he would like planted as a buffer. Mr. Senken responded with arbor vitae 10'-15' high, 4' apart.

The hearing was closed, left open for written correspondence only until November 25, 2015.

Langlois 07-15

ZBA Clerk: A hearing on the application of Dennis Langlois and Ryan Sultan for a variance at 4 Glynn Drive, Shelter Island, NY which is Zone "AA reverting to A-Residential" on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/17/01/98. Applicant seeks variances from Section 133-6(B)(5) to construct a pool 10' from the rear yard line instead of the required 20' rear yard setback.

Correspondence received:

Letter dated October 24, 2015, Gillian and Michael Johnson, 4 Terry Drive, stating that they have no concerns about the variance and support the application.

Mr. Langlois presented his application for a 16' x 34' pool that would intrude into the rear yard setback. He believes that if they keep the pool out of the setback, the pool would end up being almost flush to their deck which is a safety hazard for children and others. Mr. Langlois then pass out enlarged photos of the proposed area for context. He said that other location on the property is not viable because of the lot shape and septic system. He said that his neighbor had their pool very close to his proposed pool. He said the neighbor has a 10' stockade fence for privacy and that the neighbor has no objection to the proposed pool.

The Board questioned if he was going to build a patio as well. Mr. Langlois confirmed that there is no patio, only a 1' coping around the pool. The Board suggested an alternative in which he shortened the deck to make room for the pool, noting it would address his safety issues. Mr. Langlois explained that to shorten the deck would a financial hardship for them, estimating a \$10,000- \$15,000 cost.

Langlois stated that the deck is too high for a proper step installment. There is not enough space. Putting the pool in the front yard is not an option because of the septic system.

Chairman Matz opined that if the pool was put with in the required setbacks it would still be 7' away from the deck and he does not anticipate people jumping from the deck for a

7' distance. Mr. Langlois said that the railing makes the view deceptive. He also rents his house in August and feels uneasy about his tenants doing something foolish. Chairman Matz restated that the proposed pool can go in a conforming area.

Member Colligan suggested that the owners can change out their railing for a type that would discourage jumping from it. Other members agree that could be a good alternative.

Member Johnson stated there could be a compromise of a 5 foot variance instead of the proposed 10 foot variance from the 20 foot setback requirement. Applicant felt that would be acceptable.

Member DiOrio doesn't anticipate tenants jumping off the deck railing. Town Councilwoman Lewis added that people are going to make poor choices sometimes even when you have precautions. Mr. Langlois responded that he is concerned about injuries as a liability for them.

The hearing was closed, left open for written correspondence only until November 25, 2015.

Hakim 08-15

ZBA Clerk: A hearing on the application of the Hakim Personal Residence Trust for a variance at 8 Club Drive, Shelter Island, NY, which is Zone "AA reverting to A-Residential" on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/12/01/26. Applicant seeks a variance from Section 133-6(B)(5) to construct a pool 5.8' varying to 15.6' from the northerly side yard line instead of the required 20' setback.

Correspondence Received:

Letter dated November 16, 2015, Frank E. Clark, 382 Larkfield Road, East Northport, NY, who owns the property directly next door to the Hakims, expressing numerous concerns regarding the proposed pool location including, construction practices, noise and light issues, and a vegetative barrier. Mr. Clark ended by stating that if the ZBA does not take his concerns into account, and if the variance is granted, then he will not be in favor of this application.

Matt Sherman representing Hakim, showed a power point presentation to the ZBA of the proposed application. He agrees with Mr. Clark's concerns and addressed them in the presentation.

Matt Sherman reviewed the setbacks and building envelope. He noted the following constraints:

This is a Bulkhead property so cannot build in the vegetative wetland area.

The pool should not go in the space near the front door.

Front yard is also not practical due to garage location and driveway. This space is also too close to septic system

The application location is angled to be paralleled with the house on the side yard and that the concrete pool can act as a retaining wall. That is why the pool goes from 5' to 15' from the property line.

Lowest and highest ground water elevations were discussed. Ground water would be monitored to ensure the pool would not be constructed in the water table.

He assured Board that during construction they would not interfere with Mr. Clark's property.

Planting buffer is planned and there will be no floodlights, and evergreens will be used as adequate screening from adjacent property.

ZBA members discussed other feasible locations for the pool.

Mr. Hakim feels that 16x35 size pool is reasonable and also voiced his concerns regarding the putting the pool in the front yard. Traffic volume is high during the summer going out to Reel Point and he does not want a pool near the road that is visible to others.

Chairman Matz suggested narrowing the pool to 8 feet instead of proposed 16 feet width. It would be more conforming on the side yard.

Matt Sherman and Mr. Hakim both opined that it would be more like a lap pool and that is not what they envisioned for their family and grandchildren.

Chairman Matz reiterated scaling it down and Mr. Hakim said they already have, and is consistent with other pool sizes in the area. Matt noted that these pools are in conforming locations and asked the ZBA to decide what is a reasonable size under these circumstances.

Chairman Matz also offered that they could make the pool a softer shape, more conforming. Mr. Hakim says they need an automatic pool cover, so it needs to be a rectangle in shape.

The hearing was closed, left open for written correspondence only until November 25, 2015.

ZBA will review 2016 Meeting Dates. Member DiOrio asked to change July's date to the 27th. The ZBA agreed to finalize the 2016 calendar on December 2, 2015.

Work Session – December 2, 2015

Next hearing – December 16, 2015

Close: 8:40 PM

Respectfully Submitted,

Jeanette Flynn