

The regular monthly meeting of the Shelter Island Zoning Board of Appeals was held on October 21, 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

Members Excused: Neal W. Raymond

Others Present: Chris Lewis, Mike Kimack, Sue Peebles, Julie Lane, Cathy Driscoll, Stella Lagudis, Albert D'Agostino, Justine Watts

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

Minutes from August 26, 2015 Hearing Minutes 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.

Anderson 06-15

Correspondence received:

Letter dated October 17, 2015, Edward Barr at 175 Ram Island Road, in reference to his concerns of noise issues coming from Anderson property and offered a solution by putting up a sound barrier extending from the end of the house to beyond the far edge of the pool area. If the ZBA mandates the above, Mr. Barr would have no objection granting this variance.

Letter dated October 20, 2015, Stella Lagudis, on behalf of the Board of Directors of the Shelter Island Heights Property Owners Corporation, Heights opposes the variance because of code violations. They also have serious concerns about the embankment along Prospect Avenue. If ZBA grants this variance despite their opposition, they strongly recommend a condition be made that an engineer be hired to design a solution that will preserve the embankment and be in line with the surrounding vista.

Letter dated October 20, 12015, John J. Bennett, representing Greg Anderson ,1 Bayview Avenue, requesting an adjournment due to schedule conflict.

Applicant requested an adjournment of this hearing until November 18, 2015 due to a conflict in scheduling.

The Board granted this adjournment. 5-0-0-1 Absent (Neal W. Raymond)

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.

Correspondence received:

Letter dated August 21, 2015, Suffolk County Department of Economic Development and Planning, application for Ihne, Michael & Susan, SCTM# 0700-14-1-46, is to be a matter for local determination.

Michael Kimack, representing the Ihnes', addressed the letter previously submitted by neighbor, Irene Senken, and agrees she had a valid concern that her cesspool was on Ihne's property in the location of the proposed garage. He said that the cesspool has been abandoned and relocated to Senken's property, but the work had only been done the date of the hearing. Invoice for cesspool work was given to the ZBA Clerk, dated October 21, 2015.

Mr. Kimack stated his clients want to take down old garage and build a new two story garage.

Chairman Matz asked why the building can't be put in a more conforming place.

Mr. Kimack stated that alternative locations are not viable because of the property's slope issues.

Member D'Orio mentioned the bathroom being a part of the design on second floor.

Mr. Ihne said that it will be art studio space and the bathroom will be a sink and toilet, not tub, and that the area will not be sleeping quarters.

Town Attorney noted that this new structure will be very close to the house at 88 West Neck Road.

Chairman Matz concerned that is a big structure seeking big variances and that there can be other portions of yard that could work. Kimack says they would have to do significant leveling to use other portions of land. All agreed they need to go see it to get a better grasp as to why this is this little corner is the only place to put this two story structure. Kimack says all properties in that neighborhood have weird shapes and people have built to those shapes.

Chairman Matz and Member D'Orio asked clerk to check with Mrs. Senken that she is satisfied with the work performed.

Member Johnston said that there needs to be a resolution that this structure will not be made into a house or sleeping quarters.

ZBA also asked the owners to stake out the proposed garage.

The hearing was held open until November 18, 2015 to address issues arising from the site inspection.

Watts 05-15

ZBA Clerk: Notice is hereby given that a hearing on the application of Jerrell and Justine Watts for a variance at 46 Ram Island Road, Shelter Island, NY, which is Zone "AA-Residential" on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/08/03/5.4. Applicant seeks variances from Section 133-7(B) (5) to maintain a generator 30.5' from the front property instead of the required 50' front yard setback.

Correspondence received:

Letter dated, September 16, 2015, Suffolk County Department of Economic Development and Planning, application for Watts, Jerrell & Justine, SCTM# 0700-8-3-5.4, is to be a matter for local determination.

Mr. Albert D'Agostino, representing the Watts, says their generator was installed by REP Electric in November of 2013 without permits.

Mr. D'Agostino submitted letters to the ZBA Clerk from neighbors Fairweather, Hoffman, and Cacciola, who are okay with the generator location.

Mr. D'Agostino says work was done on the generator before the Watts closed on the property and is placed 30 feet instead of the 50 foot requirement.

Mr. D'Agostino did not think generators needed a permit. Chairman Doug Matz stated that the work is over \$5,000. This generator does need a permit.

Chairman Matz also questioned the hardship of moving the generator to another location. Feasible alternative locations were reviewed, including moving it back 20' so it would be outside the front yard setback.

Mr. D'Agostino called up Janalyn Messer, who he said is a real estate broker and is knowledgeable on Shelter Island property values. She said that there would be no impact on other Ram Island Road property values because the generator was not visible, and that the noise from the generators would not impact the neighbors.

Member DiOrio felt that leaving the generator in the setback would be a negative precedent. He also said that moving the generator 20' back would not impact the noise to neighbors.

Janalyn Messer said she thought moving the generator would put it in the site line of the pool. Member DiOrio said that it was already in the site line, and that it could easily be screened with plantings once moved.

Member Colligan questioned if there really was an aesthetic hardship.

Member Johnston does not see a hardship in moving the generator 20 feet.

Mr. D'Agostino said another alternative would be to move the generator to the other side of the property, near the Watts patio, which would create more noise for the neighbors. He suggested the ZBA view the site.

Chairman Matz stated that the current violation, done without building permits, is a clear violation of the code. He asked the building department to check if the pool equipment is also in the setback, so that all outstanding encroachments could be dealt with at this time. He argued that a generator is mobile and relatively easy to move, so he needs to understand a good reason for keeping it in the setback and the hardship associated with correcting it.

Member DiOrio noted that there had been an after-the-fact application for a building permit and asked to see the proposed location on that permit, as it would reflect the Watt's view of a feasible location. Chairman Matz agreed and requested that the Clerk get a copy of it from the Building Department.

The ZBA will go and look at the property.

The hearing was left open until November 18, 2015, so that any additional questions associated with the site visit could be addressed.

Close: 8:40 PM

Respectfully Submitted,
Jeanette Flynn