



GRANTED

TOWN OF RIVERHEAD
DETERMINATION OF THE ZONING BOARD OF APPEALS
SECOND EXTENSION

APPEAL NO: 17-014

APPLICANT/PROPERTY OWNER: Kenneth Schroder/Phoenix Home Buyers, LLC, 75 Broadway, Mastic, NY 11950

RELIEF SOUGHT: Area Variance(s)

For variances to and/or relief from the provisions of Chapter 301, Section 17 where the proposed front yard is 40 feet (minimum required is 50 feet), the proposed side yard setbacks are 15.9 feet and 21 feet where the minimum required is 25 feet, the proposed combined side yard is 36.9 feet where the minimum required is 55 feet and the proposed rear yard setback is 41.8 feet where the minimum required is 60 feet.

LOCATION: 48 Willow Street, Aquebogue, NY

SCTM#: 600-87-1-14

ZONING DISTRICT: Residence B-40

DATE OF HEARING: April 13, 2017

MR. MCLAUGHLIN: This appeal was granted with conditions on April 13, 2017 with a determination dated April 27, 2017, thus expiring April 27, 2018. Mr. Kenneth Schroder did receive the first one year extension, nunc pro tunc, on May 24, 2018, thus expiring April 27, 2019. In correspondence dated April 8, 2019, Mr. Schroder did request a second one-year extension

Therefore, I move that the time period of the above cited determination be extended to April 27, 2020, as per Chapter 105, Section 105-8 (D) of the Code of the Town of Riverhead.

The motion was duly adopted by all members present:

- MR. WITTMEIER: AYE
MR. SEABROOK: AYE
MR. BARNES: AYE
MS. WORTHINGTON: AYE
MR. MCLAUGHLIN: AYE

I hereby certify that the foregoing is a true copy of a motion duly adopted on the 11th day of April 2019, and of the whole thereof.

Dated: 4/22/19

Very truly yours,
Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2019-012

APPLICANT/PROPERTY OWNER: Maryanne Gilmartin, 113 St. Johns Place, Brooklyn, NY 11217

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 14 C where the proposed conversion of space over detached garage for habitable recreation space is deemed not to be a customary accessory use to principal single-family dwelling use.

LOCATION: 631 Peconic Bay Blvd, Aquebogue

SCTM#: 600-87-2-24

ZONING DISTRICT: Residence B-40 (RB40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 65,471 sq. ft. or 1.503 acres. Minimum lot area is 40,000 square feet; minimum lot width is 150 square feet; maximum impervious coverage is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 50 feet; minimum either side yard width is 25 feet; minimum both side yards, total width is 55 feet; minimum side yard abutting side street is 50 feet; minimum rear yard depth is 60 feet.

DATE OF HEARING: 4/11/2019

INSPECTION DATES: 4/6/19, 4/9/19, 4/11/19

SUFFOLK COUNTY PLANNING COMMISSION: Pursuant to the Suffolk County Administrative Code Sections A14-14 to 23 referral of this matter to the Suffolk County Department of Planning and Development was not required.

SEQRA: The Zoning Board of Appeals has visited the property under consideration and reviewed the application and determines that this review falls under Type II 617.5 c(37) and does not require any further action pursuant to SEQRA.

PLEASE TAKE NOTICE that at the public hearings of the Town of Riverhead Zoning Board of Appeals on the above referenced dates, the above referenced appeal was heard, evidence placed into the record and the application was duly considered. Based upon the foregoing, the Zoning Board of Appeals takes the following action:

HISTORY/PROPERTY FACTS

1. A denial letter was sent from the Building Department on March 6, 2019 and an application was made to the Zoning Board of Appeals on March 15, 2019.
2. After reviewing the application, the history of the property and information gathered at the public hearing pursuant to the criteria set forth in Town Law 267-b this Board makes the following findings of fact:
 - a. The property is presently improved with the following structure(s):
 - i. 1.5 story dwelling under construction
 - ii. Frame storage shed
 - iii. Frame barn (renovated to two car garage with proposed storage loft)
3. Property received a Letter of PreExisting Use September 12, 1997 for structures prior to 1965: 1 ½ story frame single family dwelling with detached one car garage, one barn, one well pit and one extended frame shed.

FINDINGS: The evidence in the record establishes that weighing the benefit of granting the area variance request against the detriment of granting the area variance request to the health, safety and welfare of the community and finds as follows:

1. The variance sought would not produce an impact on adjacent properties or the neighborhood as the proposed completed two car garage with storage loft will be constructed in the same footprint as the former garage with a minimal height difference; there is little to no impact on adjacent properties.
2. The requested variance is not substantial because the proposed conditioned space is limited in area and height and is to be used as a storage area for the owner's property.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the loft area existed in form and space as part of the former existing garage. The use of that space as conditioned storage cannot be achieved by a separate building because the property does not offer alternate locations for such an additional accessory structure.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the garage with proposed conditioned loft is similar in size and construction to the demolished.
5. The alleged difficulty that the property owner is experiencing was self-created as the proposed conditioned storage loft was not in existence in the demolished garage; the new structure proposes the use of the roof line space not previously utilized as such. However, that fact does not prohibit this board from granting the relief sought.

The motion was made by Mr. Barnes and seconded by Ms. Worthington, that the aforementioned determination be approved:

THE VOTE

MR. SEABROOK: AYE MR. BARNES: AYE
MRS. WORTHINGTON: AYE MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE

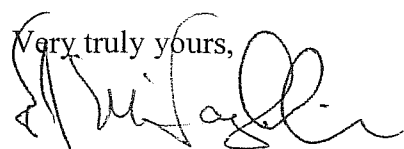
**This determination X was ___ was not
therefore duly adopted**

Based upon the foregoing, the following area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

NO CONDITIONS

If this is an approval, it is necessary that you take this duplicate original letter with you to the Building Department when applying for a Building Permit. Pursuant to Riverhead Town Code §105-8(D), any determination made by the Zoning Board of Appeals shall not become effective unless a permit is obtained in accordance herewith within one year of the date of such determination, unless the Zoning Board of Appeals has stipulated a different period of time in its determination. The Zoning Board of Appeals shall have the power, by resolution, to extend its determination for a period of one year upon written notice from the applicant or his agent of the desire to do so. No more than three such extensions shall be allowed. The provisions of this subsection shall not apply in cases of interpretation of variances for the use of land unless the Zoning Board of Appeals has indicated a time period in the determination. Failure to comply therewith will render this approval null and void. In the event that this is an approval subject to conditions, the approval shall not be deemed effective until such time that the foregoing conditions are met.

Dated: 4/22/19

Very truly yours,


Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS