



TOWN OF RIVERHEAD

DETERMINATION OF THE ZONING BOARD OF APPEALS

GRANTED
With conditions

APPEAL NO: 2019-001

APPLICANT/PROPERTY OWNER: Robert and Kathleen Glass, 252 E. 57th St Apt #52B, New York, NY 10022

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 9 A(1)(a) where the proposed pool, trellis & cabana are located in front yard which is not permitted.

LOCATION: 120 Louise Court, Riverhead

SCTM#: 600-17-1-8.3

ZONING DISTRICT: Residence A-40 (RA40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 2.2890 acres or 99,707 sq. ft. Minimum lot area is 40,000 square feet; minimum lot width is 150 feet; maximum impervious surface 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: 2/28/19; 3/28/19

INSPECTION DATES: 2/24/19, 2/25/19, 2/28/19

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(12) 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 and an application was made to the Zoning Board of Appeals on November 14, 2018.
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 a vacant lot.
3. Parcel is Lot 3 of substantially completed major subdivision "Roanoke Landing" and as such may conform to the dimensional requirements of Residence C.

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. Testimony was offered at the February 28, 2019 hearing by Matthew Sforza of 111 Louise Court. Mr. Sforza stated, in addition to my opposition to where the location of the structure's gonna be, four of my neighbors, also on Louise Court have submitted emails for the record. Mr. McLaughlin noted, we have them, and they are in the record. Mr. Sforza continued, I understand what Mr. Glass is trying to do with the property; we don't have any, you know, problem with it that it's not located behind the house. We're not telling him to put it behind his house; essentially what we're asking for is 41 feet from that back property line to us seems like it's a little bit too close to...I mean, it's a front yard. Mr. Sforza also stated, I would actually like to know, is there any reason he can't move it back a little bit more than the 41 feet? That's a huge distance between his house...Ms. Rouhani stated, I think that is

something we can go back and speak to him about. Mr. McLaughlin stated, alright, here's a suggestion for the two of you; you representing the local neighbors, and you folks should exchange phone numbers outside as soon as the meeting is over, and why don't we have some discussion between the two parties, or the many parties, and see if we can work something out before the next meeting? The applicant agreed, and Mr. Sforza replied, that's absolutely fine with me.

2. Additional testimony was offered at the March 28, 2019 meeting; Mr. Sforza and the applicant agreed upon a 141 foot setback from the southern property line instead of the 41 feet originally proposed.
3. The variance sought would not produce an impact on adjacent properties or the neighborhood as there is neighborhood precedence of residential structures in similar locations. The proposed cabana and swimming pool structures would not impact the character or views of the neighborhood or adjacent properties.
4. The requested variance is not substantial because of the limited size and scope of the proposed structures.
5. The benefit sought by the applicant cannot be achieved by some alternative means because an alternate layout, showing the pool in the backyard, limits the views of the Long Island Sound. Setting the house back would significantly reduce or eliminate these possibilities.
6. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as a supplement environmental summary prepared by Dr. RW Abrams, CEP, offered the following: the development of the site is compatible with the intent of the original subdivision and does not represent any undue adverse impact to the environment, CEHA, or the local ecology of the coastal area. The site plan does not envision changes to the site's topography, but seeks to work with the existing land form.
7. The alleged difficulty that the property owner is experiencing was self-created as the proposed pool may be located in the backyard if the dwelling is resituated; however, the owner intends to have an unobstructed view of the sound from his home. However, that fact does not prohibit this board from granting the relief sought.

The motion was made by Mr. Seabrook and seconded by Mr. Wittmeier, that the aforementioned determination be approved:

THE VOTE

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

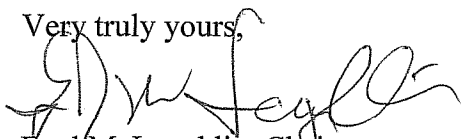
**This determination X was ___ was not
therefore duly adopted**

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.

1. Front yard setback from property line to pool cabana shall be 141 feet.

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: 4/10/19

Very truly yours,

Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2019-007

APPLICANT/PROPERTY OWNER: 14 RR LLC, 14-16 Railroad Ave, Calverton, NY 11933

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 222 where the reestablishment of a nonconforming warehouse use after being discontinued for more than one year is not permitted.

LOCATION: 14-16 RR LLC

SCTM#: 600-137-1-12

ZONING DISTRICT: Residence B-40 (RB40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 20,302 sq. ft. or 0.466 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: 3/28/19

INSPECTION DATES: 3/16/19, 3/19/19

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 deemed to be a matter of local determination in a letter dated February 19, 2019.

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 December 5, 2018 and an application was made to the Zoning Board of Appeals on February 5, 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 presently exists with the following structure(s):
 - i. Dilapidated frame building (42.8' x 100.5')
3. Letter of Pre-Existing Use for the property determined that the structure and use existed prior to June of 1965 and had continued to August 9, 2004.
4. Property received a Certificate of Occupancy (dated 8/21/2008 and reconstructed 5/25/18 due to April 2010 fire at the Building Department) for a Use Permit for Warehouse/Storage.
5. Building permit dated December 4, 2018 issued to Reliable Frame & Cabinet, Inc. for "Misc. Commercial: Emergency repair: Brace wall and floor for warehouse"

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 applicant cannot realize a reasonable return for each of the permitted uses in the zoning district in which the subject property is located, provided that lack of return is substantial as demonstrated by competent financial evidence such that the warehouse existing on the subject premises is not conducive to convert to a residential use and has no economic return other than a warehouse due to nonconforming setbacks, nonconforming size of the lot and its location adjacent to the Long Island Railroad.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood as the subject property has historical significance as the former location of the Golden Pickle Works factory. The warehouse maintained its current configuration after it was reconstructed (after 1926 train accident). This is an existing developed site with the use as originally permitted in its last Certificate of Occupancy.
3. The use variance, if granted, would not alter the essential character of the neighborhood as the warehouse has been in use in its present configuration for many years. There are other storage uses that are preexisting, nonconforming, located in the neighborhood, which consists of a mix of residential and commercial uses.
4. The hardship was not self-created as if determined that the storage/warehouse use was indeed discontinued, the property owner filed a building permit within one (1) year to repair the collapsed roof.

Based upon the foregoing, the following use variance is granted/denied 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.

The motion was made by Mr. Seabrook and seconded by Mr. Wittmeier that the aforementioned determination be approved:

THE VOTE

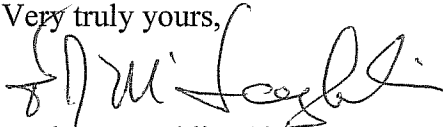
MR. SEABROOK: AYE MR. BARNES: AYE
MRS. WORTHINGTON: ABSENT MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE

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

Based upon the foregoing, the following use 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.

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: 4/10/19

Very truly yours,

Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2019-008

APPLICANT/PROPERTY OWNER: Gail and Stephen Haupt, 1810 Main Road, Riverhead, NY 11901

RELIEF SOUGHT: for variances to and/or relief from Chapter 300 Section 37 A(1)(a) where proposed pool is in the front yard which is not permitted.

LOCATION: 1810 Main Road, Jamesport

SCTM#: 600-48-1-3.4

ZONING DISTRICT: Agriculture Protection Zone (APZ)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 273,019 sq. ft. or 6.268 acres. Minimum lot area is 80,000 square feet; minimum lot width is 175 feet; maximum impervious surface is 15%; maximum height of residential buildings is 35 feet; minimum front yard depth is 60 feet; minimum either side yard width is 30 feet; minimum both side yards, total width is 65 feet; minimum side yard abutting side street is 60 feet; minimum rear yard depth is 75 feet.

DATE OF HEARING: 3/28/19

INSPECTION DATES: 3/16/19, 3/19/19

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(12) 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 January 10, 2019 and an application was made to the Zoning Board of Appeals on February 13, 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. Two-story frame house & garage with roof over wood porch
 - ii. Metal barn (72.3' x 160.3')
 - iii. 3 Frame sheds (10.5' x 12.4'), (8.1' x 8.2'), and (10.2' x 15.8')
 - iv. Frame coop
 - v. Frame barn (2,325.64 sq. ft.)
3. Applicant applied for Ag Worker Housing permit.

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 zoning is agricultural and neighbors are a significant distance from the subject swimming pool. Pool is well-screened from neighboring views by existing and proposed planting.
2. The requested variance is not substantial because there is no impact on neighbors; it is well-screened and setback more than if adhering to minimum required setback.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the horse farm operates in all other areas of the property. This location properly fits the architectural layout of the residence and overall property.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the landscaping will be enhanced, no clearing is needed for pool installation, and it is to be installed at the existing grade of the property.
5. The alleged difficulty that the property owner is experiencing was not self-created as the location of the dwelling and horse farm limits the location of proposed pool.

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

THE VOTE

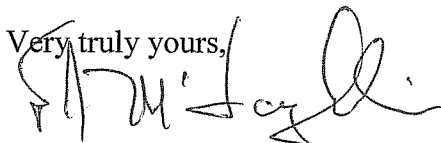
MR. SEABROOK: AYE MR. BARNES: AYE
MRS. WORTHINGTON: ABSENT MR. WITTMEIER: AYE
MR. MCLAUGHLIN: AYE
This determination X was was not
therefore duly adopted

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.

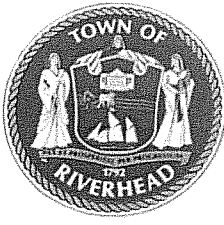
NO CONDITIONS

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: 4/10/19

Very truly yours,


Fred McLaughlin, Chairman
 ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2019-009

APPLICANT/PROPERTY OWNER: Marianne Schott, 44 Hornpipe Dr., Riverhead 11901

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 12 where proposed front yard setback is 17.27 feet and minimum required is 40 feet; where proposed side yard setback is 7 feet and minimum required is 10 feet; where proposed combined side yard is 23.4 feet and minimum required is 25 feet; where proposed building area is 31.4% of the lot and maximum permitted is 30%; Section 9 A(1)(c) where proposed accessory deck setback is 6.83 feet and minimum required is 10 feet; and, where proposed accessory shed setbacks are 5 feet and minimum required is 10 feet.

LOCATION: 44 Hornpipe Drive, Riverhead

SCTM#: 600-14-1-52

ZONING DISTRICT: Residence A-40 (RA40)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 6,160 sq. ft. or 0.14 acres. Minimum lot area is 40,000 square feet; minimum lot width is 150 feet; maximum impervious surface 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: 3/28/19

INSPECTION DATES: 3/16/19 & 3/19/19

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(12) 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 February 14, 2019 and an application was made to the Zoning Board of Appeals on February 29, 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. One-story frame house
 - ii. Frame shed (10.1' x 10.1')
 - iii. Wood deck
3. Relief granted by Appeal No. 92-35 to construct wood deck.
4. Property received LPEU on June 25, 1980, vesting dimensional zoning under Residence C.

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 other homes in the immediate area have similar additions, second stories, and accessory structures.
2. The requested variance is not substantial as the addition is in keeping with the character of the neighborhood and surrounding homes.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the zoning and setbacks would allow for very limited modifications on the undersized lot.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as all is will be constructed to code and have minimal disturbance to the property.
5. The alleged difficulty that the property owner is experiencing was not self-created as the lot is undersized for the zoning district. Variances must be sought for additions/modifications on such lots.

The motion was made by Mr. Wittmeier and seconded by Mr. Seabrook, that the aforementioned determination be approved:

THE VOTE

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

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

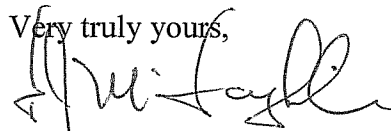
Based upon the foregoing, the following area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

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: 4/10/19

Very truly yours,



Fred McLaughlin, Chairman

ZONING BOARD OF APPEALS