



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2018-058

APPLICANT/PROPERTY OWNER: Joseph LoRusso, JMKR Holdings, 2097 N. Wading River Rd, Wading River

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 31 for proposed subdivision/unmerger where proposed lot areas are 20,000 & 25,188 square feet and minimum required is 80,000 square feet; and, where proposed lot widths are 100 & 125 feet and minimum required is 175 feet; for existing dwelling (54-2-4), Section 31 where proposed side yard setback is 21.9 feet and minimum required is 30 feet; for proposed dwelling (54-2-3), Section 30 where proposed first floor living area is 1,060.6 square feet and minimum required is 1,500 square feet; Section 31 where proposed side yard setback is 28 feet and minimum required is 30 feet; and, proposed combined side yard is 56 feet and minimum required is 65 feet.

LOCATION: 2097 & 2107 North Wading River Road, Wading River

SCTM#: 600-54-2-3 & 4

ZONING DISTRICT: Residence B-80 (RB80)

SIZE OF PROPERTY/REQUIRED SET BACKS: Property (600-54-2-3) is approximately 20,000 sq. ft. or 0.159 acres. Property (600-54-2-4) is approximately 25,188 sq. ft. or 0.578 acres. Minimum lot area is 80,000 square feet; minimum lot width is 175 square feet; maximum impervious coverage 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: December 13, 2018 & January 10, 2019

INSPECTION DATES: December 8, 10, 12, 2018 & January 7, 2019

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 November 2, 2018 and an application was made to the Zoning Board of Appeals on October 18, 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. Property (600-54-2-4) is presently improved with the following structure(s):
 - i. One story frame dwelling
 - b. Property (600-54-2-3) is vacant

3. Property (600-54-2-4) was improved with a dwelling and received a Letter of Preexisting Use (LPEU) on August 23, 2012, vesting current zoning (RB80).

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 new parcel created is similar in size to that of the neighboring properties.
2. The requested variance is not substantial because the surrounding neighborhood was developed with lots/homes that are similar in size to the ones proposed to be created here. Accordingly, any development of these parcels with single family residences will create a uniform appearance in the neighborhood.
3. The benefit sought by the applicant cannot be achieved by some alternative means because because the applicant is seeking to develop the parcels in a way that does not change the essential character of the community. Rather, the proposed development will create a uniform appearance in the neighborhood.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district as the surrounding neighborhood is developed with similar sized lots to the ones proposed here.
5. The alleged difficulty that the property owner is experiencing was not self-created as the property was, at one point, subdivided by deed in 1950 without any approvals from the Town of Riverhead. The application requests variances for subdivision to reduce lot size to match existing tax map lot lines.

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

THE VOTE

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

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

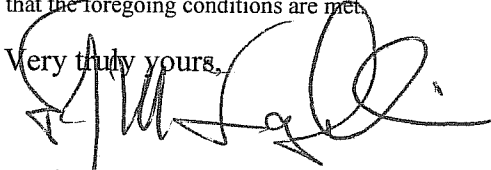
Based upon the foregoing, the following area variance is **GRANTED** and, if granted, is subject to the following conditions which, based upon the evidence presented, will minimize the adverse impacts that the variance would have on the community or district as identified above.

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: 11/7/19

Very truly yours,


Fred McLaughlin, Chairman
ZONING BOARD OF APPEALS



TOWN OF RIVERHEAD

GRANTED

DETERMINATION OF THE ZONING BOARD OF APPEALS

APPEAL NO: 2018-061

APPLICANT/PROPERTY OWNER: Teresa Ghosio, 6187 North Country Rd, Wading River 11792

RELIEF SOUGHT: for variances to and/or relief from Chapter 301 Section 29 A(1)(b) where accessory building in side yard is 22.2 feet from property line and minimum required is 25 feet; and, where accessory building is 7 feet from the dwelling and minimum required is 10 feet.

LOCATION: 6189 (aka 6187) North Country Road, Wading River

SCTM#: 600-57-2-7.3

ZONING DISTRICT: Residence-B 80 (RB80)

SIZE OF PROPERTY/REQUIRED SET BACKS: The property is approximately 55,495 sq. ft. or 1.274 acres. Minimum lot area is 80,000 square feet; minimum lot width is 175 square feet; maximum impervious coverage 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: January 10, 2019

INSPECTION DATES: January 2, 3, & 7, 2019

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. An application was made to the Zoning Board of Appeals on November 16, 2018, and an updated denial letter was sent from the Building Department on November 26, 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 improved with the following structure(s):
 - i. One story dwelling with attached garage
 - ii. Inground pool (18' x 40')

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 it is a minimal variance request of less than three feet from required setbacks, and the chicken coop houses only three chickens.
2. The requested variance is not substantial because the structure is small and will not interfere with neighbors or the surrounding area. There is also a farm nearby; a chicken coop is not out of character in the community, and other properties in the surrounding area have similar sized accessory structures.
3. The benefit sought by the applicant cannot be achieved by some alternative means because the applicant is seeking legalization of an existing coop built upon a concrete slab.
4. The requested variance will not have an adverse impact on the physical or environmental conditions in the neighborhood/district because there was minimal disturbance to the property for construction of the coop. Accessory structures of similar size have been constructed in the area, and no adverse impact has been realized.
5. The alleged difficulty that the property owner is experiencing was self-created to the extent that the structure was constructed prior to approval; however, that fact does not prohibit this board from granting the relief sought.

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

THE VOTE

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

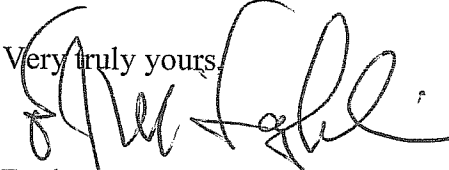
**This determination X was was not
therefore duly adopted**

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: 1/17/19

Very truly yours,

 Fred McLaughlin, Chairman
 ZONING BOARD OF APPEALS