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ZONING BOARD

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VILLAGE OF NORTH HAVEN

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Held at:

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335 Ferry Road

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Sag Harbor, New York 11963

12

December 13, 2022

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7:00 p.m.

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Proceedings Recorded by

24

Electronic Sound Recording

Transcribed by: Agata Davis

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## A P P E A R A N C E S:

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Mark Poitras, Chairperson

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Scott Brooks, Board Member

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Steve Hatfield, Board Member

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Steve Cox, Board Member

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Michael D'Angelo, Board Member

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Michael Daly, Alternate Board Member  
(Absent)

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Scott Middleton, Esq., Village Attorney

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Eileen Tuohy, Village Clerk/Treasurer

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1                   **NORTH HAVEN ZONING BOARD - 12/13/2022**

2                   CHAIRMAN POITRAS: Good evening,  
3 everyone, and welcome to the Tuesday,  
4 December 13th, 2022 Zoning Board of  
5 Appeals for the Village of North Haven  
6 meeting.

7                   And the first item for us is to  
8 have the Board approve the November 9th,  
9 2022 transcripts.

10                  MR. COX: You got my notes on it?

11                  CHAIRMAN POITRAS: Yes. And so it  
12 was highlighted that -- Mr. Cox was not  
13 here and was noted as making a comment,  
14 which, actually, we believe, looking at  
15 that, was actually Mr. Hatfield's  
16 comments. And that was on page forty-

17                  MR. COX: Five.

18                  CHAIRMAN POITRAS: 45.

19                  MR. COX: I believe.

20                  MS. TUOHY: Yes.

21                  CHAIRMAN POITRAS: Okay.

22                  MS. TUOHY: Erika's aware of that.  
23 She's gonna make the change. She didn't  
24 want to send it in until anybody -- if  
25 there was any other changes or anything.

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2                   CHAIRMAN POITRAS:  Nope.

3                   MR. MIDDLETON:  You can adopt it  
4                   subject to that change.

5                   MS. TUOHY:  Okay.

6                   MR. BROOKS:  Motion to adopt it.

7                   CHAIRMAN POITRAS:  Motion by Mr.  
8                   Brooks.

9                   MR. COX:  Second.

10                  CHAIRMAN POITRAS:  Second by Mr.  
11                  Cox.  All in favor?

12                  ALL BOARD MEMBERS:  Aye.

13                  CHAIRMAN POITRAS:  All members in  
14                  favor.  All right.

15                  This evening we have just two  
16                  applications on the agenda.  Quickly, I'm  
17                  just gonna go out of turn for a moment.  
18                  The second application, which was ZBA  
19                  #417A 20 Forest LLC, which is the property  
20                  located at 20 Forest Road, Suffolk County  
21                  Tax 901-5-1-62, the attorney for the  
22                  applicant has requested continuance on  
23                  that until next month's.  They have not  
24                  received back their revised plans per the  
25                  e-mail received by the Village today, so.

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2                   So we will continue to keep that open  
3                   until next meeting.

4                               Which leaves us with a  
5                   continuation of ZBA #416A, Stephen and Amy  
6                   Young. Property located at 6 Sea Gull  
7                   Hill Road, North Haven, New York. Suffolk  
8                   County Tax Map No. 901-6-1-17.2. The  
9                   applicant proposes an attached garage  
10                  located 27.6 feet from the front property  
11                  line and 20.2 feet from the side property  
12                  line. Section 163-17A of the Code  
13                  requires the minimum distance from the  
14                  street to be 50 feet in an R-2 District.  
15                  Section 164-17B of the Code requires the  
16                  minimum distance from the side lot line to  
17                  be 30 feet in an R-2 district. The  
18                  subject premises is bounded by Sea Gull  
19                  Hill Road, Shtulman and Shulman, Roberts  
20                  and Polles Creek.

21                              And, once again, representing the  
22                   applicant is?

23                              MR. DOWNES: Dennis Downes, 49  
24                   Crescent Street, Sag Harbor, New York.  
25                   Attorney for the applicant.

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MR. MIDDLETON: Just for the record, we do have a waiver -- we do have a decision tonight. But before we go on with the decision, I need the applicant, herself, to waive any issues with respect to HIPAA because a lot of this had to do with medical reports that you had provided to us, which are a matter of public record. So I just want to make sure that you understand that anything that's in those things that have been submitted, the letters from your two, I think, doctors, is a matter of public record, and I had to incorporate some of that into our decision. So I don't want that to be an issue. If it is an issue, quite frankly, I didn't think about how we would cross that bridge. But it's basically things that have been discussed in the public from the start of this application until now.

MS. YOUNG: I understand. And that's actually part of what was submitted when we did in June the way we did, was to

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try to keep the doctors' letters and the plans and everything as benign or whatever as possible, because I'm not thrilled with all these personal details out in the public forum and, I guess, FOIL-able or whatever you call it. But I think there's no way around it.

MR. MIDDLETON: I don't think there is, I really don't, because, you know, to the extent that this Board grants the application, it's based upon your medical condition, you know, largely, so I think it has to be a part of the decision. It's been a part of the discussion from the very start of the application process. I just wanted to make sure that we put that on the record and that you would waive this being part of the public record.

MS. YOUNG: Well, thank you for the notice. I had assumed it would be. As I said, I'm not thrilled, but that's essentially what we're left with.

MR. MIDDLETON: Okay. All right.

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2                   So I just wanted to clear that up for the  
3                   record, you know, before we started, so.

4                   So do you want me to read the  
5                   decision, or?

6                   CHAIRMAN POITRAS: Well, I think  
7                   we should hear -- I think we should hear  
8                   the revisions for the public, right,  
9                   and --

10                  MR. MIDDLETON: One other thing.  
11                  Yeah, that's fine, that's fine.

12                  One other thing. The -- again,  
13                  the last-minute submission by the  
14                  applicants' counsel, the Board didn't get  
15                  a chance to consider it because it was  
16                  submitted too late. They have copies of  
17                  it tonight. I don't think it impacts  
18                  much, if anything, with respect to the  
19                  decision, but.

20                  MR. DOWNES: Yeah. I put that  
21                  chart in.

22                  MR. MIDDLETON: If you want to  
23                  delay it a month, we can consider it.

24                  MR. DOWNES: No, no. We would  
25                  like -- if you have a decision, we're

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2                   ready to hear it.

3                   The reason why I put that chart  
4                   in, it was -- I was trying to pull  
5                   together everything that had been said  
6                   earlier because I did give you the surveys  
7                   but I didn't tell you which lot had what  
8                   particular setback.

9                   MR. MIDDLETON: I understand that,  
10                  but you understand --

11                  MR. DOWNES: Yeah, I under- --  
12                  yeah.

13                  MR. MIDDLETON: -- you know, the  
14                  time constraints.

15                  MR. DOWNES: Takes time. I  
16                  understand.

17                  But the, the new garage plan was  
18                  submitted two or three --

19                  MR. MIDDLETON: Yes.

20                  MR. DOWNES: -- weeks ago so you  
21                  should have enough time.

22                  MR. MIDDLETON: They have that.  
23                  That's been considered.

24                  MR. DOWNES: Okay.

25                  CHAIRMAN POITRAS: Yeah.

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2                   MR. MIDDLETON: And that's the  
3 basis for the decision.

4                   MR. DOWNES: Okay.

5                   CHAIRMAN POITRAS: So let's walk  
6 through that plan just for the public's  
7 benefit as well as just to clarify to make  
8 sure that any information in the decision  
9 is accurate and that we're not  
10 misinterpreting something that you have  
11 presented here.

12                  MR. DOWNES: Okay.

13                  CHAIRMAN POITRAS: And so, just  
14 for the record, this was dated November  
15 30th, 2022, received December 1st. And  
16 this was a memo from Mr. Downes that  
17 highlights, well, a number of things.

18                  Mr. Downes, if you want to walk,  
19 kind of walk us through.

20                  MR. DOWNES: I think, is that  
21 Amy's narrative that you're referring to?

22                  MR. HATFIELD: Yeah, that was --

23                  MR. DOWNES: Yes. That, I believe  
24 that's her --

25                  CHAIRMAN POITRAS: Well, this is

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2                   specific to --

3                   MR. DOWNES:   Yeah, that's not the  
4                   document I put in.   The one that has --

5                   CHAIRMAN POITRAS:   Was Amy's.  
6                   Yes, this is it.

7                   MR. DOWNES:   The red and yellow  
8                   under your hand there, that's what I just  
9                   recently submitted.   That kind of pulled  
10                  together all the setbacks and area --  
11                  areas and the different lots that are in  
12                  that neighborhood.   It's a real mix of  
13                  everything.

14                 CHAIRMAN POITRAS:   Right.   So  
15                  then, then, yes, Mrs. Young's narrative is  
16                  what basically outlined the changes that  
17                  you made on the last --

18                 MR. DOWNES:   Correct.

19                 CHAIRMAN POITRAS:   -- the last  
20                  revision from our last meeting, so.

21                 MR. MIDDLETON:   Together with the  
22                  plans and survey.

23                 CHAIRMAN POITRAS:   Correct, with  
24                  plans and -- yeah, this will be a survey  
25                  here, too.

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2                   MS. YOUNG:   There's the  
3                   (inaudible) plan.   There is not a survey  
4                   yet.

5                   CHAIRMAN POITRAS:   Okay.

6                   MR. BROOKS:   Do you want -- would  
7                   it be beneficial to just read into the  
8                   record her letter?

9                   CHAIRMAN POITRAS:   Yeah, I can do  
10                  that.

11                  MR. BROOKS:   I don't know that we  
12                  need to have Dennis recite.   It's already  
13                  been submitted.

14                  MR. DOWNES:   Yeah.

15                  CHAIRMAN POITRAS:   Sure.   So just  
16                  for the public's benefit, I'll read it in  
17                  here so we just -- it's a little, a little  
18                  lengthy, but we'll get through it.

19                  MR. BROOKS:   You don't need to  
20                  read the whole thing, I don't think.   I  
21                  think you just need to read the changes,  
22                  right?

23                  CHAIRMAN POITRAS:   Well, it might  
24                  be hard because I think everything kind  
25                  of -- so let me read it and we'll just get

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through it. It won't take that long, so.

Okay. So, once again, November 30th, 2022.

"Dear Chairman and Members of the Zoning Board of Appeals,

"This letter explains the changes to the accompanying revised plot plan and floor plan for our proposed garage addition. Since the November meeting, we have explored suggestions from the Board, including:

"1. The elimination of the landing in the garage, so that the wheelchair ramp is shifted closer to mud room. By compacting this, the minimum distance from front property line = 32' (at the corner).

"2. Reorienting the accessible van parking space so that the garage is narrower and deeper. By altering the parking area, the minimum distance from front property line = 33'.

"We have heard that your primary concern is to minimize relief needed, so

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option #2 is submitted for your consideration.

"Also note that with the easement of ~20+', the distance from the corner of the garage to the street is ~60' - and this corner is already heavily screened with plantings that we have maintained for 15+ years, and will continue to maintain, thus minimizing the impact of the garage when driving from the top of Sea Gull Hill Rd. While I understand that distance to pavement is not what you generally consider, the road is not going to change, since this would require all 9 members of our Road Association to agree to any changes, so the garage will remain much further from the street than the 33' proposed.

"The following changes have been made in this submission as compared to that in November.

"Width of garage decreased from 28.5' to 21.0',

"Depth of garage increased from

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22.0' to 26.0',

"(steps have been changed to 4" rise).

"These translate into the following variance requests:

"20.2' at side property line, so relief of 9.8' = 32.7%. This was 16.2'/46% in July, unchanged from Nov,

"33' from corner at front property line, so relief of 17' = 34%. This was 27.5'/45% in July + Nov.

"Note also that the proposed garage addition sits behind the house at the 'true' front yard (the long segment of Sea Gull Hill Road, along which our front porch is oriented), where the closest distance = 32.0' at the front step. At the second front yard (the short segment of Sea Gull Hill Road), the closest distance = 36.5', which has improved from 30' in the prior version.

"Additional rationale:

"16' garage door remains in the plans. This is needed for appropriate

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2                   clearance for the accessible van to park  
3                   inside, behind the 2' wall on either side  
4                   of the garage door, as per our Builder.

5                   "For the mudroom to function as  
6                   consulting Architect Danise Levine (who  
7                   specializes in accessibility) advised,  
8                   there is a sink, to aid in clean-up of  
9                   wheelchair after going outside.

10                  >Please keep in mind that the  
11                  wheelchair charging remains adjacent to  
12                  the sink (the primary architect does not  
13                  have the CAD images to draw this in the  
14                  plans) and

15                  "There needs to be sufficient  
16                  space for someone to assist me if  
17                  necessary, e.g., to take a coat off.

18                  "The width of the garage here is  
19                  determined by:

20                  "3' - clearance at driver's side  
21                  door,

22                  "7' - vehicle width,

23                  "5' - up to 60" for length of ramp  
24                  off vehicle,

25                  "5' - wheelchair turning radius

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off ramp,

"20' - the exact interior width of the garage.

"Danise Levine advised, regarding the revised floor plan: 'There won't be much room for error. You would have to determine exactly where the van should be parked in the garage to maximize your maneuvering clearance on all sides.' She suggested methods to ensure very accurate parking, such as a tennis ball hung from the ceiling or a wood block on the floor to indicate how far to drive in. Because the spacing needs to be so accurate on the side, she recommended to, 'Attach a paint brush or broom head to the driver side wall (when your mirror touches the bristles, you'll know you're over too far on that side).'

"These drawings represent the minimum that should met most of my needs, allowing me to:

"Immediately bring our vehicle into a temperature-controlled environment,

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2                   which will help to mitigate my autoimmune  
3                   breathing issues and make me less  
4                   house-bound because of temperatures,

5                   "Immediately allow me to use a  
6                   ramp + 4" steps, so I can more safely  
7                   enter & exit the house with the assistance  
8                   of my service dog (especially by using the  
9                   ramp, which will be made of non-slip  
10                  material, as advised by Danise Levine),

11                  "Accommodate a side-loading  
12                  accessible van with ramp for wheelchair  
13                  use.

14                  "Since the width of the garage is  
15                  now so tight, with only inches of  
16                  clearance, details about the length of the  
17                  accessible van's ramp have become  
18                  critical, as this impacts the width of the  
19                  proposed garage. As previously mentioned,  
20                  I had spoken with a representative from  
21                  one of the main manufacturers of these  
22                  ramps this summer. Because it seemed  
23                  important to obtain more information, I  
24                  recently obtained specs from the other  
25                  main manufacturer, whose ramps are 58-60"

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long - which means that the drawing submitted in November, done by Danise Levine, with a ramp of 52", may in fact underestimate the length of the ramp, and thus the needed width of the proposed garage.

"The garage is placed & sized tightly relative to my needs, so it has the following limitations:

"1. I will have to drive up a much more curved driveway (than initially proposed) and turn into a garage with precision on the order of inches.

"After the effort involved in a trip out, this may be quite challenging,

"My husband and I have discussed that I might have to park down the driveway and let him drive the car into the garage, which is problematic for me when it is too hot/cold outside.

"2. We are limited in our choice of a vehicle.

"Only a side-loading accessible van will fit, not a rear-loading van, and

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2                   we will be restricted in ramp length.

3                   "3. Accessing the trunk/cargo  
4                   area will be difficult, if not impossible,  
5                   with the garage door closed.

6                   "The depth from wheelchair ramp  
7                   along rear wall to the garage door =  
8                   21'7",

9                   "Right now, we have an  
10                  average-sized SUV (2016 Ford Edge) with a  
11                  length of 15.7',

12                  "Allowing 1-2' at the front for  
13                  parking, with an estimate of ~1 1/2' to  
14                  make the math easy, leaves only 4 1/2' at  
15                  the rear,

16                  "Another ~2' is required for  
17                  clearance for the cargo door to open, so  
18                  even if parked precisely, there is  
19                  insufficient room for me + my service dog  
20                  to walk behind this, since we require 3-3  
21                  1/2' for clearance,

22                  "It will also be impossible for me  
23                  to access the cargo while in a wheelchair,  
24                  given that a Pacifica = 17' long and the  
25                  necessary turning radius for a wheelchair

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is 5',

"Finally, it will be quite difficult for my husband to walk behind the vehicle and get to the trunk with the garage door closed, either with our present vehicle or an accessible van.

"Altering the footprint affects the driveway.

"As I said during our first ZBA meeting, I presently have difficulty driving into our driveway because of the way the road and driveway are configured (awkward curves),

"It is important to fix this by re-orienting the driveway to the front of the house, with fewer curves involved,

"During planning, I have consistently asked that the Architect that the driveway be as 'straight as possible,' which was reflected in our initial submission,

"Moving the garage forward, away from the side property line as suggested by the ZBA this summer, and again further

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by reconfiguring the garage so that the width is minimized in the present submission, necessitated a curvier driveway that can make it difficult for me to turn in (placement of our driveway is also limited by that of our neighbor across the street).

"Despite these limitations and in the interest of coming to an agreeable design for the Board and all involved, we are submitting the attached plans with the hope that they are acceptable and mitigate the Board's concerns.

"Briefly regarding the steps, these have been altered to have a shorter rise because I have had increased difficulty walking since the summer ZBA meetings. While my doctors and I had hoped the trouble with walking, and especially climbing steps, because of weakness should improve following multiple procedures, it has not. This has made it clear that my varying abilities should be further incorporated into the design. To

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2                   that end, steps have decreased height  
3                   (4").

4                   "Thank you for your continued  
5                   consideration. Sincerely, Amy V. Young."

6                   Okay. Any comments from the Board  
7                   or, Mr. Downes, do you have anything --

8                   MR. DOWNES: No, I have nothing --

9                   CHAIRMAN POITRAS: -- to add to  
10                  that at this point?

11                  MR. DOWNES: I have nothing  
12                  further to add.

13                  CHAIRMAN POITRAS: Okay. And then  
14                  the --

15                  MR. BROOKS: I can just throw out,  
16                  I appreciate, you know, the applicants'  
17                  efforts to try to accommodate and minimize  
18                  the scope of the variance relief  
19                  requested, and I think that really is very  
20                  appreciated. And I know that they've  
21                  listened from the original submission and,  
22                  and come a long way to try to reduce the  
23                  required variance, which is very helpful  
24                  for us to try to reach an agreement that  
25                  accommodates the concerns.

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2                   MR. DOWNES:   Thank you.

3                   CHAIRMAN POITRAS:   Regarding the  
4 documents that we just received, do we  
5 need to make them as an exhibit or are  
6 they not gonna be part --

7                   MR. MIDDLETON:   No.

8                   CHAIRMAN POITRAS:   -- of the  
9 record because they were received too  
10 late?

11                  MR. MIDDLETON:   They're not part  
12 of the decision.

13                  CHAIRMAN POITRAS:   Okay.

14                  MR. MIDDLETON:   They were received  
15 too late, so.

16                  CHAIRMAN POITRAS:   Okay, so.

17                  And then with that, I guess, is  
18 there any other comment from you or the  
19 applicants?

20                  MR. DOWNES:   They are part of the  
21 record 'cause they were filed, but whether  
22 you need to incorporate it into the  
23 decision is your business.

24                  CHAIRMAN POITRAS:   Okay.

25                  MR. MIDDLETON:   Well, yeah.   They

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2                   weren't considered by the Board, so.

3                   MR. DOWNES:   Okay.

4                   CHAIRMAN POITRAS:   And then before  
5                   I just read the decision, just to see if  
6                   there's any other comments from the public  
7                   at this point?

8                   (No Response)

9                   CHAIRMAN POITRAS:   No?

10                  MR. MIDDLETON:   Want me to read it  
11                  in?

12                  CHAIRMAN POITRAS:   Do we want to  
13                  close the record first and then read it?

14                  MR. MIDDLETON:   Sure.

15                  CHAIRMAN POITRAS:   Right?   Unless,  
16                  Mr. Downes, you have any objection to us  
17                  closing the record at this time?

18                  MR. DOWNES:   No, not at all.

19                  CHAIRMAN POITRAS:   Okay, so.

20                  MR. COX:   Move to close the  
21                  record.

22                  CHAIRMAN POITRAS:   Motion by Mr.  
23                  Cox, second Mr. D'Angelo.

24                  So we'll close the record as of  
25                  this date and we'll present a decision.

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MR. MIDDLETON: Okay.

In the Matter of the Application of Stephen and Amy Young, this is an application for two area variances to permit a proposed attached garage addition located 33 feet from the street and 20.2 feet from the side property line, where Village Code Section 163-17A requires primary structures be a minimum distance of 50 feet from the street and Village Code Section 163-17B requires a minimum side yard setback of 30 feet in an R-2 District. The premises is located at 6 Sea Gull Hill Road, North Haven, New York. The Suffolk County Tax Map Number is District: 901 Section: 6, Block: 1, Lot: 17.2. The Building Inspector's turndown or denial letter was dated May 12, 2022, and the application was dated and filed on May 13, 2022. A revised turndown was issued July 20, 2022. The Board considered the application at meetings on June 14, 2022, July 12, 2022, November 9, 2022, and December 13, 2022,

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at which time the record was closed.

Findings. The Board makes the following findings:

1. This is an application for variance relief to permit a proposed attached garage addition 33 feet from the street and 20.2 feet from the northwest side property line.

2. The Board notes that Applicants initially sought two variances to construct a detached garage addition: (1) a 20-foot front yard setback variance; and (2) a 15.5 side yard setback variance. On or around December 1, 2022, applicants submitted amended plans and surveys changing the proposed addition from a detached garage to attached garage and minimizing the relief requested for side yard relief.

3. The premises is located in an R-2 District.

4. The premises is a 41,546 square foot parcel bounded by the Shtulman and Shulman lot to the north, the Roberts

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lot to the south, Sea Gull Hill Road to the east, and Polles Creek to the west.

5. The premises is a unique lot with two front yards fronting Sea Gull Hill Road.

6. Applicants propose to construct an attached handicap accessible garage addition.

7. In 2013, applicants converted the existing attached garage at the premises into a spa with an indoor therapeutic pool for medical rehabilitation purposes.

8. The proposed attached garage addition will provide wheelchair access to the existing single-family dwelling, accommodate a side-loading handicap accessible van with ramp for wheelchair use, and permit Mrs. Young to enter and exit the vehicle in a temperature-controlled environment that will mitigate autoimmune disease breathing issues.

9. Applicants have provided

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narrative medical reports from Mrs. Young's treating physicians establishing the medical necessity of the proposed attached garage addition. Mrs. Young suffers from a debilitating autoimmune disease that causes difficulty breathing. She had been treated over an extensive period by administering steroids and therapies, among other treatments.

10. The narrative report from Dr. Jaspal Ricky Singh indicated that he has treated Mrs. Young for nearly a decade. He is a specialist in rehabilitative medicine, sports medicine, and pain management. Mrs. Young has suffered numerous musculoskeletal and orthopedic injuries, including severe osteoporosis, linked to chronic steroid use, which is necessary to treat the autoimmune disease. The injuries and treatment relating to orthopedic and musculoskeletal injuries are detailed in Dr. Singh's report dated September 21, 2022. The report demonstrates the progression of her

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orthopedic conditions, thus establishing the need for a garage that can accommodate a handicap accessible van and wheelchair ramp.

11. Dr. Judy Tung also provided a narrative report dated June 8, 2022. This doctor's specialty is not noted. However, it appears she treats Mrs. Young for her autoimmune disease and related pulmonary issues. Dr. Tung establishes the need for Mrs. Young to have a more temperate place to enter and exit the applicants' vehicle because Mrs. Young cannot tolerate temperatures below 40 degrees Fahrenheit or 75 degrees Fahrenheit. Exposure to temperatures below or above those parameters exacerbates Mrs. Young's breathing difficulties.

12. Applicants have also provided legal opinions submitted by Robin Paul Mallow, JD (undated) and Christopher J. Baiamonte, Esq. Of the Wladis Law Firm, dated October 25, 2022. The Board finds the arguments advanced on behalf of the

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applicants relating to the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) to be unpersuasive.

13. Under Village Code Section 163-17A, the proposed attached garage addition must be a minimum distance of 50 feet from the street in an R-2 District.

14. Under Village Code Section 163-17B, the proposed attached garage addition must be a minimum distance of 30 feet from the side yard in an R-2 District.

15. Applicant seeks variance relief permitting the proposed attached garage addition 33 feet from Sea Gull Hill Road and 20.2 feet from the northwest side property line.

16. The Board acknowledges that development of the premises is constrained by the fact that it is a uniquely situated lot with two front yards on Sea Gull Hill Road and adjacent to wetlands.

17. The Board notes that referral to the Planning Board is necessary under

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Village Code Section 163-48A because proposed construction is within jurisdictional wetlands boundary, and that Planning Board review may require installation of an innovative on-site wastewater treatment system (I/A OWTS) approved by the Suffolk County Department of Health Services under Village Code Section 55-24 due to the size of the proposed garage addition.

**Discussion.**

18. This application is governed by Village Law Section 7-712-b(3). The Board is required to balance a consideration of the benefit to the applicant if the relief sought is granted against harm to the neighborhood if the relief sought is granted. As discussed below, the Board considered the statutory factors enumerated under Village Law Section 7-712-b(3)(b), including whether granting the variance will produce undesirable changes in the neighborhood, whether feasible alternatives exist,

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whether the requested variance is substantial, whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and whether the alleged difficulty was self-created.

19. Although the requested variances are substantial, the net effect of the variances creates no discernible effect on the existing and surrounding properties. The premises has significant vegetation in the northwest corner where the proposed garage addition will be located, and that vegetation provides an adequate buffer shielding any encroachment upon the neighboring lot to the northwest. Furthermore, the substantial nature and extent of the requested variances is offset by Mrs. Young's medical needs, which can only be accommodated by the variances requested in the most recent drawings submitted December 1, 2022.

20. Granting the variances will

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not produce an undesirable change in the character of the neighborhood. The proposed attached garage addition complies with all the other zoning requirements, only necessitating setback relief based on the unique location of the premises constrained by two front yards and wetlands, and to accommodate Mrs. Young's medical condition and necessity. The relief granted will have minimal precedential value because of the unique configuration of the premises and Mrs. Young's medical condition and necessity.

21. Granting the requested area variances will not adversely impact physical or environmental conditions in the neighborhood. The vegetative buffer mitigates the impact the proposed attached garage addition will have existing closer to the street and side yard than permitted.

22. Although the requested area variances may be deemed the result of a self-created difficulty, this factor,

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alone, does not warrant denial of the instant application. The Board recognizes Mrs. Young's medical condition warrants medically necessary relief to accommodate a handicap accessible van and wheelchair access and use.

23. Although the variance relief sought is substantial, the Board finds that a balance of the relevant factors weighs in favor of granting the requested relief because it is justified based on medical necessity, has minimal impact on surrounding neighbors and physical and environmental conditions, and accommodates Mrs. Young's medical condition.

**Conclusion:**

24. On the basis of the above findings and discussion, and upon a balancing and weighing as required, this application is granted.

Can we have a motion?

MR. COX: Move to grant the application.

CHAIRMAN POITRAS: Okay, motion by

1                   **NORTH HAVEN ZONING BOARD - 12/13/2022**

2                   Mr. Cox.

3                               MR. BROOKS:    Second.

4                               CHAIRMAN POITRAS:   Second by Mr.  
5                   Brooks.

6                               MR. MIDDLETON:   All in favor?

7                               CHAIRMAN POITRAS:   All members in  
8                   favor?

9                               ALL BOARD MEMBERS:   Aye.

10                              CHAIRMAN POITRAS:   All members in  
11                   favor.

12                              MR. MIDDLETON:   It's unanimous.

13                              MR. DOWNES:    Thank you.

14                              CHAIRMAN POITRAS:   All right.  Is  
15                   there any questions on that?  Mr. Downes,  
16                   any questions, or?

17                              MR. DOWNES:    No, I have no  
18                   questions.  Thank you very much for all  
19                   your time.

20                              CHAIRMAN POITRAS:   Ms. Young, any  
21                   questions?  No?  All right.  Any questions  
22                   from anybody in the audience?  We have  
23                   some people on -- the record can show we  
24                   have some people on the Zoom call as well  
25                   as some members in the actual, physical

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audience here, too. And the record can show that there is no questions at this time, so.

All right. Well, with that, we've already discussed the second application which was Forest LLC. That will be heard at the next meeting, which will be Tuesday, January 10th, 2023.

And we need a motion to adjourn.

Motion by Mr. D'Angelo, second Mr. Brooks. All members in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN POITRAS: We are adjourned at 7:32. Thank you.

(End of Provided Recording)

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ERRATA SHEET FOR THE TRANSCRIPT OF:  
Hearing Name: North Haven Zoning Board  
Hearing Date: December 13, 2022

## CORRECTIONS

PG	LN	NOW READS	SHOULD READ	REASON FOR
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Date Signature

Subscribed and sworn to  
before me this \_\_\_\_ day  
of \_\_\_\_\_, 2022

\_\_\_\_\_  
Notary Public

1  
2 I, Agata Davis, certify that the  
3 foregoing transcript of Proceedings of the  
4 Zoning Board of Appeals of the Village of  
5 North Haven, held on December 13, 2022, was  
6 prepared using the required electronic  
7 transcription equipment and is a true and  
8 accurate record of the Proceedings.  
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#	2013 [1] - 28:10 2016 [1] - 20:10 2022 [20] - 1:12, 3:4, 3:9, 10:15, 13:4, 26:20, 26:21, 26:22, 26:24, 26:25, 27:15, 29:24, 30:7, 30:24, 33:24, 38:3, 38:22, 39:5 2023 [1] - 37:9 21 [2] - 29:24, 34:15 21'7 [1] - 20:8 21.0 [1] - 14:24 22 [1] - 34:23 22.0 [1] - 15:2 23 [1] - 35:8 24 [1] - 35:18 25 [1] - 30:24 26.0 [1] - 15:2 27.5'/45% [1] - 15:12 27.6 [1] - 5:10 28.5 [1] - 14:24	6	Act [2] - 31:3, 31:4 actual [1] - 36:25 ADA [1] - 31:3 add [2] - 23:9, 23:12 addition [16] - 13:10, 15:14, 26:6, 27:7, 27:12, 27:17, 28:9, 28:16, 29:5, 31:7, 31:11, 31:16, 32:11, 33:15, 34:4, 34:20 Additional [1] - 15:23 adequate [1] - 33:17 adjacent [2] - 16:11, 31:23 adjourn [1] - 37:10 adjoined [1] - 37:15 administering [1] - 29:9 adopt [2] - 4:3, 4:6 advanced [1] - 30:25 adverse [1] - 33:4 adversely [1] - 34:16 advised [3] - 16:7, 17:5, 18:10 affects [1] - 21:8 Agata [3] - 1:24, 39:2, 39:11 agenda [1] - 4:16 ago [1] - 9:20 agree [1] - 14:16 agreeable [1] - 22:10 agreement [1] - 23:24 aid [1] - 16:8 ALL [3] - 4:12, 36:9, 37:13 alleged [1] - 33:7 allow [1] - 18:5 Allowing [1] - 20:12 allowing [1] - 17:23 alone [1] - 35:2 altered [1] - 22:16 Altering [1] - 21:8 altering [1] - 13:21 Alternate [1] - 2:9 alternatives [1] - 32:25 amended [1] - 27:16 Americans [1] - 31:2 Amy [3] - 5:5, 23:5, 26:4 Amy's [2] - 10:21, 11:5 Appeals [3] - 3:5, 13:6, 39:4 applicant [7] - 4:22, 5:9, 5:22, 5:25, 6:5, 31:14, 32:17 applicants [7] - 24:19, 27:15, 28:7, 28:10, 28:25, 30:20, 31:2	Applicants [1] - 27:11 applicants' [3] - 8:14, 23:16, 30:13 application [13] - 4:18, 6:21, 7:12, 7:16, 26:5, 26:20, 26:23, 27:5, 32:13, 35:3, 35:21, 35:24, 37:6 Application [1] - 26:3 applications [1] - 4:16 appreciate [1] - 23:16 appreciated [1] - 23:20 appropriate [1] - 15:25 approve [1] - 3:8 approved [1] - 32:8 Architect [2] - 16:6, 21:19 architect [1] - 16:12 area [6] - 11:10, 13:22, 20:4, 26:5, 34:15, 34:23 areas [1] - 11:11 arguments [1] - 30:25 assist [1] - 16:16 assistance [1] - 18:7 Association [1] - 14:16 assumed [1] - 7:22 attached [14] - 5:9, 22:12, 26:6, 27:7, 27:18, 28:8, 28:11, 28:15, 29:5, 31:6, 31:10, 31:15, 34:4, 34:19 attorney [2] - 4:21, 5:25 Attorney [1] - 2:10 audience [2] - 36:22, 37:2 autoimmune [5] - 18:2, 28:23, 29:6, 29:20, 30:10 average [1] - 20:10 average-sized [1] - 20:10 aware [1] - 3:22 awkward [1] - 21:14 aye [3] - 4:12, 36:9, 37:13
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