

# TOWN OF SOUTHAMPTON

CHAIRPERSON  
ADAM GROSSMAN

Department of Land Management  
Zoning Board of Appeals  
116 HAMPTON ROAD  
SOUTHAMPTON, NY 11968



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## ***PRELIMINARY AGENDA – NOT OFFICIAL***

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS  
PUBLIC HEARING AGENDA  
February 6, 2020

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 p.m., or shortly thereafter. Applications may not be heard in the order as they appear on this agenda. Current agendas may be viewed on the internet at the following address: [www.southamptontownny.gov](http://www.southamptontownny.gov)

- CALL TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES

**Please note: Applications highlighted in GRAY have requested an adjournment or have requested to withdraw the application**

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### MINOR VARIANCE REVIEW

### SCTM - HAMLET

None scheduled for this meeting

### NEW APPLICATIONS

### SCTM – HAMLET

1. **Robert Raphael** (app# 2000002)                      Michael                      900-391-2-28                      Westhampton  
639 Dune Road  
Applicant requests relief from Town Code §138-17 (A), (C), and (D) (Non-conforming buildings and structures) for the construction of a pool fence and a 281 square foot second story deck in the Coastal Erosion Hazard Area on a nonconforming lot. In addition, applicant requests relief from Town Code §330-46.2(B) (1), (2) (Adjacent Areas) for the construction of a pool fence located 58.5 feet landward of the crest of dune where relief of 76.8 feet was previously granted by Zoning Board of Appeals Decision #D018062; and relief from Section 330-46.2(B) (1), (2) (Adjacent Areas) for the construction of a second floor deck located 75 feet landward of the crest of dune where 125 feet is required and any other relief necessary.
2. **Mohammed Sindhu** (app# 2000003)                      Adam                      900-138-2-11                      Riverside  
41 Maynard Street  
Applicant requests a determination that the subject parcel SCTM# 900-138-2-11 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D and any other relief necessary.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

3. **28 Kendall's Lane, LLC** (app# 2000004) Helene 900-42-3-53 North Sea  
28 Kendall's Lane  
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 481 cubic feet on the east side of the proposed two-story dwelling and an encroachment in the amount of 40 cubic feet (36 cubic feet on the North side + 4 cubic feet on the East side) for a proposed detached garage on a nonconforming lot and any other relief necessary.
  
4. **Curtis A. DiPaolo** (app# 2000005) Jason 900-211-4-9 Shinnecock Hills  
5 Osceola Lane  
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed addition to the existing two-story dwelling: §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 21.2 feet where 30 feet is required; 2. For the proposed swimming pool: (i) §330-11 for an accessory distance from street setback (front yard) of 22.1 where 40 feet is required (east property line Osceola Lane) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located with the required front yard for the principal building; and 3. For the proposed shed: (i) §330-11 for an accessory distance from street setback (front yard) of 16.6 where 40 feet is required (east property line Osceola Lane) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the shed to be located with the required front yard for the principal building and any other relief necessary.
  
5. **OPH Building Corp.** (app# 2000006) Michael 900-17-2-77 Noyac  
30 Linda Lane  
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling on a nonconforming lot: §330-84D (pyramid height) for an encroachment in the amount of 725.55 cubic feet (389.95 cf (East side) + 335.60 cu ft (North East side)); and 2. §330-115(D)(3) (Continuance) for an accessory distance from street (front yard) of 39.4 feet where 50 feet is required and §330-84D (pyramid height) for an encroachment in the amount of 1,009.26 cubic feet and any other relief necessary.
  
6. **Stephen Genovese** (app# 2000007) Keith 900-152-1-16 Hampton Bays  
18 Dewey Lane  
Applicant requests relief from the following provisions of the Town Code for a proposed addition to the northerly dwelling situated on a nonconforming parcel with two dwellings: (i) §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) for the expansion of a nonconforming use; and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 418.64 cubic feet and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

7. **Marla & Michael Rothstein** (appl. 1900061) 900-345-2-1 Hampton Bays  
43 Tiana Circle Helene  
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed swimming pool on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 20 feet where 70 feet is required from the northerly lot line (Elder Avenue) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located in the required front yard of the principal building and 2. For the proposed two-story dwelling: (i) §330-83K (yards) for a proposed rear yard setback of 22.1 feet where 35 feet is permitted and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 1,085 +/- (730 cf (south east) + 355 south west) and any other relief necessary
8. **William Kienke** (app# 1900166) Jason 900-62-1-48 North Sea  
74 Waters Edge Road  
Applicant requests relief from the following provisions of the Town Code for a proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 31 feet where 70 feet is required from Knoll Road and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located within the required front yard of the principal building on a nonconforming lot. In addition, applicant requests relief from Town Code §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow a concrete patio to be located within the required minimum and total side yard for the principal building and any other relief necessary.
9. **William Williams** (app# 1900172) Brian 900-381-2-42 Remsenburg/Speonk  
3 Ring Neck Road  
Applicant requests relief from: 1. Town Code §330-11 (residential districts table of dimensional regulations) for a front yard setback of 57.4 feet where 60 feet is required to permit the construction of a front covered porch; 2. Town Code §330-115(C) (continuance) for a rear yard setback of 56.9 feet where 68 feet is permitted to permit the construction of a two-story addition (screened porch and a master bedroom expansion); and 3. Town Code §330-11 (Residential Districts Table of Dimensional Regulations) for a rear yard setback of 68 feet where 70 feet is required for the relocation of a bay window and any other relief necessary.

**Adjourned from the 12/5/19 meeting; held over and re-advertised from the 12/19/19 meeting:**

10. **River Rock Structured Capital, LLC** (app# 1900163) 900-115-1-8 Water Mill  
186 Crescent Avenue Brian  
Applicant requests relief from the following provisions of the Town Code: 1. For the two-story dwelling under construction on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) to allow the height of the dwelling to be 44.6 feet where maximum of 42 feet is permitted, (ii) §330-11 for a total lot coverage of 12.7% where a maximum of 10% is required, (iii) §330-83K (yards) for a principal front yard setback from the easterly property line (Davids Lane (Crescent Avenue)) of 38.1 feet where 40 feet is permitted, and (iv) §330-105(J) (schedules of minimum and maximum floor area) to allow the total floor area of the dwelling to be in excess of 15,000 square feet (if necessary); and 2. To legalize the location of the tennis court: §330-11 for an accessory rear yard setback of 28.5 feet where 30 feet is required; and 3. To

**River Rock Structured Capital, LLC (continued)**

legalize the height of the retaining wall: §330-109 (Fences, walls, accessory driveway structures, and clotheslines) to allow a portion of the retaining wall to have a height of approximately 8.2 feet where a maximum of 6 feet is permitted. In addition, applicant requests relief from the following provisions of the Town Code to allow the existing cottage to be converted into a carriage house: (i) §330-9D(4) (density incentive provisions) for a waiver of one or more development right or PBC; (iii) §330-9D(4) (density incentive provisions) to permit a carriage house on a lot where the property size is less than 3 acres; and (iv) §330-9D(4)(b) to permit a carriage house on a lot where the principal dwelling does not comply with all applicable dimensional requirements of the code, to wit, a height of 44.6 feet where a maximum of 42 feet is permitted; (v) §330-9D(4)(c) to allow the carriage house to remain at a front yard setback of 19.1 feet from the westerly lot line (Mud Creek) where a carriage house shall have a front yard setback of at least 10 feet greater than the principal dwelling setback and to remain at a side yard setback of 23.4 feet where 30 feet is required. In the alternative to the relief for the carriage house, applicant requests relief from Town Code §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) for expansion of nonconforming uses in excess of the allowable 50% and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

11. **Scott Stapleton** Adam 900-17-2-68 Noyac  
3 Linda Lane

On September 6, 2018, this Board by Decision number D018114, granted the applicant pyramid relief in the amount of 431.32 cubic feet for a proposed detached garage and relief to allow said garage to be located within the required minimum and total side yard for the principal building. Subsequently, on February 7, 2019, by Decision number D019014, the aforementioned decision (D018114) was amended to grant additional pyramid relief in the amount of 240.4 cubic feet (for a total of 671.72 cubic feet) and to grant an accessory side yard setback of 8 feet as a result of the revised location of the proposed garage. By letter dated December 19, 2019, the applicant submitted documentation requesting that Decision number D019014 be amended allow an accessory side yard setback of 7.6 feet and a total pyramid encroachment in the amount of 751.81 cubic feet as a result of an error in the placement of the foundation wall of the proposed garage.

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**SCOPING SESSION**

**SCTM – HAMLET**

None scheduled for this meeting

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 12/19/19 meeting:**

12. **Antoinette Novick** (app# 1900168) Cornelius 900-340-1-4 East Quogue  
104 Old Country Road

SCTM# 900-340-1-4. Applicant requests relief from Town Code §330-11.2F (accessory apartment special standards) for a principal front yard setback of 22.4 feet where 28 feet is permitted (70% of the required 40 feet) for an accessory apartment (studio/efficiency unit) that will be located within a proposed detached garage and any other relief necessary.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 3/21/19 meeting; adjourned from 04/18/19, 7/18/19, 9/19/19 and the 11/21/19 meeting.**

13. **Konner Friedlander Gateway 1, LLC** (appl. 1900002) 900-84-1-15, 16.2 & 16.8  
2037, 2045 & 2071 Montauk Highway Brian Bridgehampton  
Applicant requests relief from the following provisions of the Town Code or a proposed three-lot subdivision and site development: (i) §330-82 (lot width) for a proposed flag pole width of 10 feet for proposed Lot 1 where 20 feet is required; (ii) §330-105K (schedules of minimum and maximum floor area) for the size of the proposed building complex on proposed Lot 2 to be 27,000 square feet where a maximum of 15,000 square feet is permitted; (iii) §330-83G(1) (yards) to allow parking spaces to be located within the transitional rear yard; and (iv) §330-78 (placement of accessory buildings and uses in non-residential districts) to allow parking to be located zero feet from portions of the side and rear property lines where 20 feet is required and any other relief necessary.

**Held over from the 12/19/19 meeting:**

14. **Vincent Morrone** (app# 1900167) Helene 900-297-1-8 Hampton Bays  
139 Ponquogue Avenue  
Applicant requests relief from the following provisions of the Town Code to legalize a shed with attached deck and ramp constructed without the benefit of a building permit on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 2.8 feet where 10 feet is required and an accessory rear yard setback of 5.9 feet where 10 feet is required and (ii) §330-84D (pyramid height) for an encroachment in the amount of 107.35 cubic feet and any other relief necessary.

**Held over from the 01/02/20 meeting:**

15. **Richard Hurtle** Keith 900-264-2-33 Hampton Bays  
12A Warner Road  
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling with covered porch on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 17 feet where 20 feet is required and a total side yard setback of 34 feet where 45 feet is required and (ii) §330-84D (pyramid height) for a total proposed encroachment in the amount of 687 cubic feet (379.5 cf north side + 307.5 cu ft (south side)) and any other relief necessary.

**RE-OPEN FOR SUBMISSIONS ONLY**

16. **Alfred Shtainer and Victoria Shtainer** ~~Jason~~ 900-86-4-8.1 Bridgehampton  
163 Church Lane Keith  
On January 16, 2020 this application was closed for all purposes and a decision was scheduled to be rendered at tonight's meeting. Subsequently, letters of objection and concerns were received on January 17, 2020 and January 20, 2020.

**Southampton Town Zoning Board of Appeals  
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<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Frederic Van Wyck (written submissions by Jan. 30 <sup>th</sup> )	Michael	01/02/20	900-94-3-2.1	North Sea
James Morrissey (written submissions by Jan. 30 <sup>th</sup> )	Michael	01/02/20	900-131-2-6.1	North Sea
J. Campo Associates	Helene	01/16/20	900-251-1-92.7	East Quogue
Marie Borrelli (written submissions)	Adam	01/16/20	900-294-2-6.1	Hampton Bays
On the Canal Apartment Owners Corp.	Cornelius	01/16/20	900-258-1-8.1	Hampton Bays
Alfred Shtainer and Victoria Shtainer	Keith	01/16/20	900-86-4-8.1	Bridgehampton
Kellis Pond, LLC (written submissions)	Jason	12/19/19	900-84-1-28	Bridgehampton
Mary C. McDonald (written submissions)	Adam	01/02/20	900-158-1-18.1	Tuckahoe