

TOWN OF SOUTHAMPTON

CHAIRPERSON
ADAM GROSSMAN

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



VICE-CHAIRPERSON
BRIAN DESESA

Phone: (631) 287-5700
Fax: (631) 287-5754

JAY SCHNEIDERMAN
TOWN SUPERVISOR

BOARD MEMBERS
KEITH TUTHILL
HELENE BURGESS
CORNELIUS KELLY
MICHAEL DALY
JASON HANN

CANCELLED – Emergency Order #1 of 2020 - Declaration of State of Emergency

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
March 19, 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

- 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

MINOR VARIANCE REVIEW (from the February 20, 2020 meeting) SCTM – HAMLET

1. **Salvatore Barberi** (app# 2000014) Helene 900-381-1-67 Remsenburg/Speonk
27 Shore Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 56 feet where 60 feet is required for a proposed one-story addition to an existing dwelling and any other relief necessary.

NEW APPLICATIONS (from the February 20, 2020 meeting) SCTM – HAMLET

2. **94 Dune Road Holding Corp.** (app# 2000010) 900-385-1-37.3 East Quogue
94 Dune Road Adam
Applicant requests relief from Town Code §330-117 (change) as it relates to Town Code §330-167B(3) (specific types of variances) to permit a change from one nonconforming use to another, to wit, from a One story frame building with 2nd floor office, restaurant, bar, marina with tennis courts, decks and parking to a twenty-five (25) unit multi-family condominium use with a swimming pool and accessory building (cabana) and any other relief necessary.
3. **2331 Montauk, LLC** (app# 2000012) Brian 900-86-1-6 Bridgehampton
2331 Montauk Highway
Applicant request relief from the following provisions of the Town Code for a proposed two-story office building: (i) §330-34 (business districts table of dimensional regulations) for a principal minimum side yard setback of 4 feet where 15 feet is required and a principal total side yard setback of 19 feet where 30 feet is required; and (ii) §330-30(B)(4) (General Regulations) as it relates to §330-162.18(A)(1) (Hamlet Office/Residential and Hamlet Commercial/Residential Building Size) to allow a proposed 5,587 square foot office building to contain one (1) 600 square foot apartment where three (3) apartments are required and any other relief necessary.

NEW APPLICATIONS (from the February 20, 2020 meeting) SCTM – HAMLET
(continued)

4. **Enma Carrera-Cruz & Luis Idrovo Urgiles** Michael 900-268-3-2 Hampton Bays
3 Woodridge Road (app# 200017)
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 35.1 feet where 40 feet is required for a proposed covered porch addition to an existing dwelling on a nonconforming lot. In addition, applicant requests the following relief from the provisions of Town Code §330-11.2F (accessory apartment special standards) to legalize an accessory apartment constructed in the basement of the dwelling without the benefit of a building permit: (i) relief to allow the accessory apartment to remain on a lot that is less than 30,000 square feet, (ii) lot area from 16,000 square feet to 10,667 square feet (80% of the required 20,000 square feet), and (iii) a principal rear yard setback of 37 feet +/- where 42 feet is required (70% of the required 60 feet) and any other relief necessary.

5. **Edward Czaplinski** (app# 2000015) Keith 900-254-1-43 Hampton Bays
46 Sherwood Road
Applicant requests relief from the following provisions of the Town Code to legalize an accessory apartment constructed within the basement of a dwelling on a nonconforming lot without the benefit of a building permit: (i) §330-11.2F (accessory apartment special standards) to allow an accessory apartment to be located on a parcel that has a lot area of less than 30,000 square feet and (ii) §330-11.2G(1) to allow the size of the accessory apartment to be 40% of the total floor area of the principal dwelling where a maximum of 35% is permitted and any other relief necessary.

6. **Beach House Associates, LLC** (app# 2000016) 900-15-2-44 Noyac
19 Wickatuck Drive Adam
Applicant requests a determination that the subject parcel SCTM# 900-15-2-44 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.

RE-ADVERTISED APPLICATION (from the February 20, 2020 meeting)
SCTM – HAMLET

7. **Sand Land Corp.** (app# 1600135) 900-23-1-1 Noyac
585 Middle Line Highway
Applicant appeals the issuance of Certificate of Occupancy No. C160135, dated April 26, 2016, as it relates to the uses on the subject property and any other relief necessary.

MINOR VARIANCE REVIEW **SCTM - HAMLET**

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

8. **16 Dover Avenue, LLC** (app# 2000025) Cornelius 900-42-3-43 North Sea
16 Dover Avenue
Applicant requests relief from the following provisions of the Town Code for a proposed swimming and proposed patio: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 51 feet where 70 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the proposed swimming pool and proposed patio to be located in the required front and total side yard for the principal building on a nonconforming lot and any other relief necessary.
9. **Kristof Gleich** (app# 2000027) Brian 900-259-1-24.2 Hampton Bay
10 Corwin Lane
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) to permit a partial conversion of an attic into habitable space (recreation room) within an existing dwelling on a nonconforming lot which will result in a partial third story where a maximum of two stories is permitted and any other relief necessary.
10. **Joseph J. Hancock** (app# 2000026) Cornelius 900-226-2-10.2 Hampton Bays
22 Squiretown Road
Applicant appeals the decision of the Principal Building Inspector as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that the proposed garage is not a subordinate or incidental building because of its size in proportion to the main dwelling and its use. In addition, applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 1,690 cubic feet for a proposed detached garage on a nonconforming lot and any other relief necessary.
11. **German Rivera** (app# 2000028) Michael 900-232-1-20 Shinnecock Hills
577 East Montauk Highway
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 115 cubic feet for a proposed 2nd story addition to an existing dwelling on a nonconforming lot and any other relief necessary.
12. **73 Lyncliff, LLC** (app# 2000029) Helene 900-268-1-21 Hampton Bays
73 Lyncliff Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 30.3 feet where 60 feet is required for a proposed garage addition to a dwelling under-construction and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

13. **Valerie Sirignano** (app# 2000013) Jason 900-32-1-12 North Sea
105 Edgemere Drive
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 17,659.5 cubic feet for a proposed two-story dwelling and an encroachment in the amount of 182 cubic feet for the 2nd floor deck on a nonconforming lot and any other relief necessary.

MODIFICATION REQUEST

SCTM – HAMLET

14. **Lake Creek Properties, LLC** (app# 2000030) 900-118-2-8 Riverside
30 Flanders Road, Route 24 Adam
On July 21, 2016, this Board by decision number D016100, granted the applicant relief for the following: (i) a proposed dual-pole, double-sided freestanding pole sign; (ii) relief to allow five (5) freestanding signs (a dual-pole double-sided freestanding sign, two (2) menu board signs and two (2) canopy signs with signage and LCD Confirmation display area); (iii) two (2) internally illuminated single-sided freestanding menu board signs; (iv) two (2) drive-through lanes; (v) two (2) illuminated freestanding canopies with signage and LCD menu confirmation; and (vi) to allow a loud speaker and window service system. By letter dated, January 31, 2020, Keith Brown of Brown & Altman, LLP seeks to modify said decision as it relates to the dual-pole, double-sided freestanding sign to allow the area of the sign to be 33.3 square feet where a maximum of 20 square feet is permitted and to allow the height of the sign to be 13'-2" where a maximum of 7 feet is permitted pursuant to Town Code §330-131.1(V)(1).

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 02/06/20 meeting:

15. **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.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 11/7/19 meeting; adjourned from the 12/19/19 meeting:

16. **Nicholas Coslov** (app# 1900147) Michael 900-87-4-1 Bridgehampton
18 Trelawney Road
Applicant requests a determination as to whether or not the following are subordinate or incidental buildings and uses pursuant to Town Code §330-5 (definitions) because of their sizes in proportion to the main dwelling and their uses: (i) the proposed three-car garage, (ii) the proposed underground parking garage and storage and (iii) the proposed accessory building (pool house (cabana) with covered porch). In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 20 feet where 30 feet is required and an accessory distance from street setback (front yard) of 51 feet where 90 feet is required from the southerly lot line (Trelawney Road) for the proposed underground parking garage and storage and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 12/19/19 meeting: adjourned from 02/06/20 meeting:

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

Held over from the 02/06/20 meeting:

18. **River Rock Structured Capital, LLC** (app# 1900163) 900-115-1-8 Water Mill
 186 Crescent Avenue Adam
 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 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.

DECISIONS

DATE CLOSED

SCTM – HAMLET

| | | | | |
|---------------------------|-----------|--------|---------------|------------------|
| Lenora Behrens | Cornelius | 3/5/20 | 900-209-3-76 | Shinnecock Hills |
| Lenora Behrens | Cornelius | 3/5/20 | 900-209-3-74 | Shinnecock Hills |
| 1179 Fireplace Rd, LLC | Jason | 3/5/20 | 900-13-1-72.3 | Noyac |
| Katherine and Brian Turza | Michael | 3/5/20 | 900-340-1-37 | East Quogue |

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Public Hearing Agenda
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| <u>DECISIONS (continued)</u> | | <u>DATE CLOSED</u> | <u>SCTM – HAMLET</u> | |
|--|---------|---------------------------|-----------------------------|--------------|
| Fisher Organization, LLC (written submissions) | Brian | 3/5/20 | 900-143-1-18 | Flanders |
| Fisher Organization, LLC (written submissions) | Brian | 3/5/20 | 900-143-1-18 | Flanders |
| Scott Stapleton (written submissions) | Adam | 3/5/20 | 900-17-2-68 | Noyac |
| Stephen Genovese (written submissions) | Keith | 02/06/20 | 900-152-1-16 | Hampton Bays |
| Maria & Michael Rothstein (written submissions) | Helene | 02/06/20 | 900-345-2-1 | Hampton Bays |
| Richard Hurtle (written submissions) | Keith | 02/06/20 | 900-264-2-33 | Hampton Bays |
| Frederic Van Wyck (written submissions) | Michael | 02/06/20 | 900-94-3-2.21 | North Sea |