

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 20, 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

SCTM - HAMLET

1. **Salvatore Barberi** (app# 2000014) Helen 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

SCTM – HAMLET

2. **94 Dune Road Holding Corp.** (app# 2000010) Adam 900-385-1-37.3 East Quogue
94 Dune Road
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. **James & Phyllis Garito** (app# 2000011) Keith 900-271-1-27 Shinnecock Hills
29 Oceanview Drive
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 3,250 cubic feet for a proposed second floor addition, proposed roof decks and proposed two-story additions and any other relief necessary.

NEW APPLICATIONS (continued)

SCTM – HAMLET

4. **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.

5. **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.

6. **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 15,343.50 cubic feet for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

7. **Maria 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.

8. **Beach House Associates, LLC** (app# 2000016) Adam 900-15-2-44 Noyac
19 Wickatuck Drive
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.

READVERTISED APPLICATIONS

SCTM – HAMLET

9. **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.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 02/06/20 meeting:

10. **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.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 10/5/17 meeting; adjourned from the 11/16/17, 01/18/18, 3/1/18, 4/5/18, 7/19/18, 08/16/18, 10/4/18, 12/6/18, 1/17/19, 3/21/18, 7/18/19, 10/3/19 and the 12/5/19 meeting:

11. **Michael Esposito & Louis Esposito** (app# 1700111) 900-143-2-48 Flanders
730 Flanders Road Brian
Applicant requests relief from Town Code §330-117 (Change) as it relates to Town Code §330-167B(3) (Specific types of variances) to legalize a change from one nonconforming use to another nonconforming use without the benefit of a building permit, to wit, from a restaurant and lounge to a Take-Out Restaurant (delicatessen/market) and any other relief necessary.

Held over from the 08/01/19 meeting; and re-opened at the 01/02/20 meeting; and adjourned from the 01/16/20:

12. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders
90 Old Quogue Road (app# 1900070)
Applicant appeals the decision of the Chief Building Inspector, dated March 27, 2018 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that, he was in error in refusing to issue an updated Certificate of Occupancy to certify that an Auto Repair Business was in operation and open to the public at the subject property prior to 1957 and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 7/5/18 meeting; adjourned from the 9/20/18 and the 11/15/18 meeting; Re-Opened 3/7/19; adjourned from the 3/7/19, 3/21/19 and the 04/18/19 meeting; held over from the 5/16/19 meeting; adjourned from the 6/20/19; held over from the 7/18/19 meeting; adjourned from the 8/15/19, 10/3/19, 11/21/19 and the 01/06/20 meeting:

13. **KAARP Management Group, LLC** (appl. 1800076) 900-346-1-10 Hampton Bays
17 Ludlow Lane Helene
Applicant requests relief from the following provisions of the Town Code for the location of a proposed swimming pool: (i) 330-115D(3) (continuance) for an accessory front yard setback of 14 feet from Ludlow Lane where 50 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 to be located within the required front yard on a nonconforming lot and any other relief necessary. This application has been re-opened for further discussion as requested by the owner.

Adjourned from the 11/7/19 meeting; held over from the 12/19/19:

14. **Christopher Norwood** (app# 1900144) ~~Michael~~ 900-5-2-31 Noyac
7 Right of Way off Noyack Avenue Jason
Applicant appeals the interpretation of the Chief Building Inspector as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that the inspector at the time Certificate of Occupancy #C17873, dated June 23, 1997 was issued for a “Detached 2-car garage with 2nd floor sleeping quarters for family members” was not incorrect in his assessment of the permitted uses. If the Board disagrees with the Chief Building Inspector, then, the applicant requests relief from Town Code §330-116 (extension) as it relates to Town Code §330-167B(1)(a) (specific types of variances) to legalize an expansion of a nonconforming use without the benefit of a building permit, to wit, a total of 600 square feet of living space (400 square feet existing + 200 additional square feet) within a detached building situated on a nonconforming lot with a single-family dwelling. If the Board agrees with the Chief Building Inspector, applicant requests relief from Town Code §330-167B(3) (specific types of variances) to permit a change from one non-conforming use to another nonconforming use, to wit, from a single-family, two-story dwelling with attached deck, shed and shower and detached 2-car garage with 2nd floor sleeping quarters for family members to a single-family, two-story dwelling with attached deck, shed and shower and detached one-car garage with apartment. In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 4.6 feet and an accessory rear yard setback of 2.7 feet where 8 feet is required to legalize the wood deck attached to the detached garage with apartment and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:

15. **295 Montauk Highway, Inc.** (appl. 1800094) 900-231-1-31 Hampton Bays
295 East Montauk Highway Keith
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard where 17 feet is existing on a nonconforming lot; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow parking spaces #1-12 to be located 3 feet from the rear property line (north) where 10 feet is required; 0 feet from the side (northwesterly) property line where 10

295 Montauk Highway, Inc. (continued)

feet is required; and 2.5 feet from the easterly property line; (iii) Town Code §330-78 to allow parking space #28 to be located 3 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-100(F)(1)(exemptions and waivers of parking and truck loading space requirements) to allow a parking area (subject to Planning Board approval) to be located on the subject premises and the adjoining site to the west; and (v) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the parcel to the west, where accessory structures are to be located on the subject property and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:

16. **JTEN Holdings, LLC** (appl. 1800093) Keith 900-231-1-32 Hampton Bays
293 East Montauk Highway

Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard and allow the pre-existing motel parking to remain 3 feet from the side yard where a 50 foot transition yard is required; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow the parking area to be located 3 feet from the northerly property line where 10 feet is required; 0 feet from the northeasterly property line (where parking spaces cross into Edgewater parking lot) where 10 feet is required; and 3 feet from the westerly property line where 10 feet is required; (iii) Town Code §330-100F(1) (exemptions and waivers of parking and truck loading space requirements) to allow parking area to be located on adjoining sites as required for parking spaces #20 (and Edgewater #1); and (iv) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the Edgewater property, where accessory structures are to be located on the subject property. Applicant also requests relief from the following provisions of the Town Code to allow the conversion of an existing two story motel into housing for restaurant employees: (i) Town Code §330-76C (placement of accessory buildings, structures and uses in all districts) to allow an accessory building, structure, or use, on an adjacent lot to allow proposed restaurant employee housing for the principal restaurant on site and Edgewater restaurant; (ii) Town Code §330-154B (Housing for restaurant employees) to allow the proposed employee housing to be located on the site of the restaurant detached from the principal building; (iii) Town Code §330-154C to allow an existing side yard setback of 39.3 feet on the west and 15 feet on the east where a minimum setback of 50 feet is required; (iv) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (v) Town Code §330-154G to allow four two-bedroom motel units to be used as employee housing for four employees on a nonconforming lot and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:

17. **JTEN Properties, LLC** (appl.1800095) Keith 900-231-1-30.1 Hampton Bays
5 South Valley Road

Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 21.3 feet (spaces #20-22) from the northerly property line and 3.2 feet from the northwest corner property line where a 50 foot transition yard is required; (ii) Town Code §330-83G(2)(a) to allow a front transitional yard of 19.5 feet where 20 feet is required granted by the ZBA (this looks like 20 on the survey); (iii) Town Code §330-

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JTEN Properties, LLC (continued)

100F(1) and Town Code 330-78 (placement of accessory buildings and uses in nonresidential districts) to allow 10 (spaces #35-44) parking spaces from the adjacent property to the west to be located 0 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-167A to allow the extension of the Motel Zoning District line 47.95 feet into the more restrictive Residential-40 Zoning District to allow the premises to be zoned Motel; (v) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (vi) Town Code §330-154G to allow two units for employee housing for two employees on a nonconforming lot and any other relief necessary.

DECISIONS

DATE CLOSED

SCTM – HAMLET

27 Dune, LLC (written submissions)	Brian	06/20/19	900-386-2-2	East Quogue
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Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1900093) (written submissions by Feb. 6 th)	Adam	05/02/19	900-43-1-38	North Sea
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Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1800172) (written submissions by Feb. 6 th)	Adam	05/02/19	900-43-1-38	North Sea
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Frank Franzese (written submissions)	Cornelius	08/15/19	900-378-1-5	Quogue
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Mohammed Sindhu (written submissions)	Adam	02/06/20	900-138-2-11	Riverside
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28 Kendall’s Lane, LLC	Helene	02/06/20	900-42-3-53	North Sea
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Curtis DiPaolo	Cornelius	02/06/20	900-211-4-9	Shinnecock Hills
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Marla & Michael Rothstein	Helene	02/06/20	900-345-2-1	Hampton Bays
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William Williams	Jason	02/06/20	900-381-2-42	Remsenburg/Speonk
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Richard Hurtle	Keith	02/06/20	900-264-2-33	Hampton Bays
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Alfred Shtainer & Victoria Shtainer	Keith	02/06/20	900-86-4-8.1	Bridgehampton
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Frederic Van Wyck	Michael	02/06/20	900-94-3-2.1	North Sea
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DECISIONS (continued)

DATE CLOSED

SCTM – HAMLET

James Morrissey

Michael

02/06/20

900-131-2-6.1

North Sea

Marie Borrelli

Adam

02/06/20

900-294-2-6.1

Hampton Bays