

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
March 4, 2021

The Zoning Board of Appeals meeting is being held via videoconference. Applications are scheduled to begin at 6:00 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

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

- | | | | | |
|----|--|---------|--------------|--------------|
| 1. | 16 Sagamore, LLC 16 Sagamore Road | Keith | 900-230-1-20 | Hampton Bays |
| | Applicant requests a determination as to whether or not the proposed garage is a subordinate or incidental building pursuant to Town Code §330-5 (definitions) because of its size in proportion to the main dwelling and its use. In addition, applicant request the following relief: 1. For proposed garage on a nonconforming lot: (i) §330-34 (Business District Table of Dimensional Regulations) for an accessory rear yard setback of 10 feet where 50 feet in required and (ii) §330-84D (pyramid height) for an encroachment in the amount of 749 cubic feet and any other relief necessary. | | | |
| 2. | John Morris & Jeanne Morris 4083 Noyack Road | Michael | 900-17-2-67 | Noyac |
| | Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 331.65 cubic feet for a proposed 2 nd story addition to an existing dwelling and any other relief necessary. | | | |

NEW APPLICATIONS (continued)

SCTM – HAMLET

3. **Julie Medler** Helene 900-57-1-35 North Sea
80 Bay Street
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed screen room on a nonconforming lot: §330-11 (residential districts table of dimensional regulations) for a total lot coverage of 23.7% where a maximum of 20% is permitted; and 2. For the location of the existing swimming pool: §330-77D (placement of accessory buildings, structures and uses in residence districts) for a rear yard coverage of 35.2% where a maximum of 20% is permitted and any other relief necessary.
4. **David Sherwood** Michael 900-19-1-16 Noyac
22 Bay View Road
Applicant requests relief from the following provisions of the Town Code: (i) §330-84D (pyramid height) for a proposed encroachment in the amount of 3,771 cubic feet (2,668 cf (west side) + 1,103 cf (east side) for a proposed two-story dwelling on a nonconforming lot; and (ii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a rear yard coverage of 25.4% +/- where a maximum of 20% is permitted and any other relief necessary.

MODIFICATION REQUEST

5. **89 Hayground Cove, LLC** Cornelius 900-102-3-14.46 Water Mill
89 Hayground Cove Road
On November 19, 2020, by decision #D020104, this Board granted the applicant relief to allow the conversion of the second floor of a detached garage into a carriage house. This decision was subject to such other conditions and permits as applicant has already acquired or may otherwise have to acquire for final approval of the subject premises, including the transfer of one or more development right or PBC as required by Town Code §330-9D(4) prior to the issuance of a Certificate of Compliance/Occupancy for the carriage house. By letter dated February 2, 2021, Elizabeth Vail of Farrell Fritz, P.C., has requested said decision be modified to waive Town Code §330-9C(1) to specifically allow for the transfer of a pine barren credit to the subject property as proposed and agreed to at the public hearing on this matter. In the alternative, the applicant requests a waiver of Town Code §330-9D(4).

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

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 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 and the 01/07/21 meeting:

6. **Production Holding, LLC & Tyronne Terchunian** 900-355-2-18.6 & 18.7
57 & 61 Station Road (app# 2000066) Adam Westhampton
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) to legalize a two-lot subdivision: For Lot 18.6: a lot area of 20,083 square feet where 40,000 square feet is required and a lot width of 113.97 where 120 feet is required; and For Lot 18.7: a lot area of 21,958 square feet where 40,000 square feet is required and any other relief necessary.

Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 and the 01/07/21 meeting:

7. **Tyronne Terchunian** (app# 2000064) Adam 900-355-2-18.6 Westhampton
57 Station Road
Applicant requests relief from the following provisions of the Town Code to legalize a one story concrete building on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 3 feet where 20 feet is required and an accessory rear yard setback of 15.2 feet where 20 feet is required; and Town Code §330-84D (pyramid height) for an encroachment in the amount of 960 cubic feet and any other relief necessary.

Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 and the 01/07/21 meeting:

8. **Production Holding, LLC** (app# 2000065) Adam 900-355-2-18.7 Wethampton
61 Station Road
Applicant requests relief from the following provisions of the Town Code: 1. For an existing two story house on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 16.7 feet where 20 feet is required to legalize the conversion of an open porch to a covered porch; 2. To legalize an addition to a one story frame barn: (i) Town Code §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required, (ii)Town Code §330-115C (continuance) for an accessory rear yard setback of 2.4 feet where 4.2 feet is existing; and (iii) Town Code §330-84D (pyramid height) for an encroachment in the amount of 2.45 cubic feet; 3. For a deck attached to the barn: (i) Town Code §330-11 for an accessory side yard setback of 0 feet where 20 feet is required, and an accessory rear yard setback of 10 feet +/- where 20 feet is required, and (ii) Town Code §330-84D for an encroachment in the amount of 3.9 cubic feet; 4. For the existing A/C unit: Town Code §330-77G (placement of accessory building, structures and uses in residence districts) for a rear yard setback of 4.7 feet where 10 feet is required; 5. To legalize the conversion of the barn to an accessory apartment: 1. Town Code §330-11.2F (accessory apartment special standards) for the following: (i) for a lot area of 21,958 square feet where 32,000 square feet is required (80% of 40,000 square feet); (ii) an accessory rear yard setback of 2.4 feet where 14 feet is required (70% of 20 feet); (iii) an accessory side yard setback of 11.1 feet where 14 feet is required (70% of 20 feet); (iv) an accessory side yard setback of 0 feet where 14 feet is required for the existing deck (70% of 20 feet); and 2. Town Code §330-11.2G(1) to allow the size of the apartment to exceed 35% of the total floor area of the principal dwelling (approximately 50%) where a maximum of 35% is permitted and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 9/3/20 meeting:

9. **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.

Held over from the 01/21/21 meeting:

10. **NYCELEX Real Estate Holdings Development Corp.** (app# 2100003)
376 Main Street Cornelius 900-349-2-24 Eastport
Applicant requests the following relief for a proposed two-lot subdivision of a nonconforming lot:
1. For proposed Lot A: (i) §330-11 (residential districts table of dimensional regulations) for a lot area of 15,588.97 square feet where 20,000 square feet is required; (ii) a lot width of 80 feet +/- where 120 feet is required, and (iii) a total lot coverage of 39% where a maximum of 20% is permitted; and (ii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a rear yard coverage of 23% where a maximum of 20% is permitted; and 2. For proposed Lot B: (i) §330-11 for a lot area of 15,574.60 square feet where 20,000 square feet is required, (ii) a lot width of 50 feet where 120 feet is required, (iii) a principal minimum side yard setback of 15 feet where 20 feet is required, and (iii) a principal rear yard setback of 25 feet where 60 feet is required and any other relief necessary.

Held over from the 12/17/20 and the 01/21/21 meeting:

11. **Stuart Boesky** Brian 900-178-1-17.80 Water Mill
703 Flying Point Road
Applicant requests relief from the following provisions of the Town Code for a proposed two-lot subdivision: 1. For proposed Lot 1: §330-11 (residential districts table of dimensional regulations) for the following: (i) a lot area of 29,292 square feet where 80,000 square feet is required, (ii) a lot width of 143.8 feet where 175 feet is required, and (iii) a total lot coverage of 12.3% where a maximum of 10% is permitted; and (ii) §330-115(c) (continuance) for a principal front yard setback of 60 feet where 61.6 feet is existing; and 2. For proposed Lot 2: §330-11 for a lot area of 45,174 square feet where 80,000 square feet is required and any other relief necessary.

SEORA – Lead Agency Resolution:

Motion: _____
2nd: _____
In favor: _____
Opposed: _____
Abstained: _____
Absent: _____

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 01/07/21 meeting; adjourned from the 02/04/21 meeting:

12. **MRB ICBC, LLC** (app# 2100006) Brian 908-10-4-13 Sagaponack
719 Daniels Lane
Applicant requests relief from Town Code Section 138-20(H) (Notification of Administrator) to allow existing geotextile cubes to remain on the subject property where a time period for the undertaking of emergency activity shall not exceed six months and any other relief necessary.

Held over from the 02/18/21 meeting:

13. **Diego & Marlene Quizhpi** (app# 2100019) Jason 900-143-3-47 Flanders
828 Flanders Road
Applicant request relief from the following provisions of the Town Code: 1. To legalize the construction of a second story addition to the existing dwelling without the benefit of a building permit on a nonconforming lot: §330-84D (pyramid height) for an encroachment in the amount of 3,216 cf (277 cf (West side) + 2,939 cf (East Side)); 2. To legalize the construction of a screen room to the rear of the dwelling without the benefit of a building permit: §330-115C (continuance) for a principal rear yard setback of 20.9 feet where 29.3 feet is existing and any other relief necessary.

Held over from the 02/18/21 meeting:

14. **Hampton Mecox I, LLC** (app# 2100020) Brian 900-113-1-17.1 Water Mill
945 North Sea Mecox Road
Applicant requests relief from the following provisions of the Town Code for a proposed 55' x 110' tennis court: (i) §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 15 feet where 30 feet is required and an accessory side yard setback of 15 feet where 30 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow a portion of the tennis court to be located within the required side yard and any other relief necessary.

Held over from the 11/19/20 meeting; adjourned from the 01/07/21, 02/04/21 and the 02/18/21 meeting:

15. **135 Newlight, LLC** (app# 2000104) Jason 900-84-1-33.2 Bridgehampton
135 Newlight Lane
Applicant requests relief from the following relief from the provisions of the Town Code §330-11 (residential districts table of dimensional regulations): 1. To allow the height of the proposed two-story dwelling to be 33'-4" where a maximum of 32 feet is permitted and 2. For the proposed tennis court: (i) an accessory rear yard setback of 28 feet where 30 feet is required and (ii) accessory side yard setbacks of 21.5 feet (south property line) and 24 feet (southwest property line) where 30 feet is required. In addition, applicant requests relief from Town Code §330-77D (placement of accessory buildings, structures and uses in all districts) for a proposed rear yard coverage of 32.8% where a maximum of 20% is permitted and any other relief necessary.

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
March 4, 2021
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| <u>DECISIONS</u> | | <u>DATE CLOSED</u> | <u>SCTM – HAMLET</u> | |
|--|-----------|---------------------------|-----------------------------|------------------|
| Michael and Jeanne Petri (written submissions by Feb. 22 nd) | Cornelius | 01/21/21 | 900-292-3-13 | East Quogue |
| 95 Crescent, LLC (written submissions by Feb. 22 nd) | Jason | 01/21/21 | 900-17-1-5 | Noyac |
| Douglas & Elizabeth Maus (written submissions by Feb. 22 nd) | Jason | 01/21/21 | 900-123-2-44 | Flanders |
| Robert Raphael (written submissions by Feb. 22 nd) | Michael | 01/21/21 | 900-391-2-28 | Westhampton |
| 85 Eastway, LLC (written submissions by Feb. 22 nd) | Adam | 01/21/21 | 900-233-2-1 | Shinnecock Hills |
| Susan and Matt Daimler (written submissions by Feb. 22 nd) | Helene | 01/21/21 | 900-232-3-7.5 & 7.6 | Shinnecock Hills |
| Eric Moscahlaidis (written submissions by Feb. 22 nd) | Michael | 01/21/21 | 900-64-3-12.8 | Water Mill |
| John & Audrey Niewenhous (written submissions by Oct. 19 th) | Adam | 09/17/20 | 900-9-3-36.1 | Noyac |
| Michael Scarola & Jacqueline Cress (written submissions by Dec. 7 th) | Keith | 10/05/20 | 900-261-3-10 | Hampton Bays |
| Elizabeth Hazan (written submissions by Jan. 18 th) | Cornelius | 12/17/20 | 900-69-2-1.1 | Bridgehampton |