

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

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
May 20, 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

- | | | | | |
|----|---|--------|----------------|-------------|
| 1. | Baycrest II, LLC
38A Baycrest Avenue
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 70 feet where 54.2 feet is required for a proposed covered patio addition to an existing dwelling on a nonconforming lot and any other relief necessary. | Helene | 900-358-2-27.2 | Westhampton |
|----|---|--------|----------------|-------------|

NEW APPLICATIONS

SCTM – HAMLET

- | | | | | |
|----|--|-------|----------------|------------|
| 2. | Lawrence Praeger
628 Head of Pond Road
Applicant requests relief from the following provisions of the Town Code for a proposed 110' x 55' tennis court on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 62 feet where 70 feet is required and (ii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a proposed rear yard coverage of 22.2% where a maximum of 20% is permitted and any other relief necessary. | Susan | 900-101-1-10.3 | Water Mill |
|----|--|-------|----------------|------------|

NEW APPLICATIONS

SCTM – HAMLET

3. **East Quogue 535 Realty Inc.** Keith 900-341-1-52 East Quogue
535 Montauk Highway
Applicant requests a determination as to whether or not the proposed 1,468 square foot convenience store is a customary accessory use to the existing gasoline filling station pursuant to Town Code §330-5 (definitions) (Accessory Use, Building or Structure). In addition, applicant requests relief from the following provisions of the Town Code for the proposed convenience store: (i) §330-95 (scheduled of off-street parking space requirements for nonresidential uses) to allow 9 parking spaces where a minimum of 15 parking spaces is required; (ii) §330-116 (extensions) as it relates to §330-167B(1)(a) (specific types of variances) to allow an expansion of a nonconforming use, to wit, to allow a 1,468 square foot convenience store to replace a pre-existing non-conforming 1,182 square foot building (a 24% expansion); and (iii) §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow two off-street parking spaces to be located in the front yard where no off-street parking shall be permitted in the front yard and any other relief necessary.

4. **Matthew Lucas** Michael 900-9-3-82 Noyac
38 Bay View Drive East
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 2,437.4 cubic feet (1,963.8 east side + 473.6 west side) for proposed two-story dwelling with attached garage and any other relief necessary.

5. **Joseph Vulpis** Brian 900-33-3-1 North Sea
2 Roses Grove Road
Applicant requests relief from Town Code §330-109(A)(1) (fences, walls, accessory driveway structures, and clotheslines) to legalize the following that constructed without the benefit of a building permit: (i) a six foot fence that runs east to west along the north side of the masonry block patio that is located on the west side of the dwelling and (ii) a masonry wall with a fence on top runs north to south along the west side of said patio and has an overall height of six feet and any other relief necessary.

6. **East Quogue Development, LLC** Keith 900-316-1-23 East Quogue
12 East End Avenue
Applicant requests a determination that the subject parcel SCTM# 900-316-1-23 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.

7. **IKRO Properties, LLC** Cornelius 900-234-1-6.2 Shinnecock Hills
65 Middle Pond Road
Applicant requests relief from the following provisions of the Town Code for the existing dwelling on a nonconforming lot: 1. §330-84(D) (pyramid height) for an existing encroachment of 357.3 cubic feet on the West side and an encroachment of 16 cubic feet on the East side; and §330-11 (residential table of dimensional regulations) for a height of 32.85' where 32' is required and any other relief necessary.

RE-ADVERTISED APPLICATIONS

SCTM – HAMLET

8. **Candace Clanahan** Adam 900-258-4-42 Hampton Bays
8 Neptune Avenue
Applicant request relief from the following provisions of the Town Code for a proposed accessory apartment within an existing dwelling on a nonconforming lot: 1. §330-11.2 (special standards) for: (i) to allow an accessory apartment to be located on lot that is less than 30,000 square feet, (ii) a lot area of 6,000 square feet where 16,000 square feet is required (80% of the required 20,000 square feet), (iii) a lot width of 60 feet where 84 feet is required (70% of the required 120 feet), (iv) a principal front yard setback of 24 feet where 28 feet is required from the westerly property line (Hampton Road) (70% of the required 40 feet); (v) a principal minimum side yard setback of 9.7 feet where 14 feet is required (70% of the required 20 feet), and (vi) a principal rear yard setback of 29.6 feet where 42 feet is required (70% of the required 60 feet); 2. §330-11.2G to allow the size of the accessory apartment to be in excess of 35% of the total floor area of the principal dwelling; and 3. §330-11.2L to allow the entrance to the accessory apartment (basement entrance) to be located in the front yard where said entrance to the accessory apartment shall be from the side or rear yard. In addition, applicant requests relief from the following provisions of the Town Code: (i) § 330-77G (Placement of accessory buildings, structures and uses in residence districts) to allow the A.C. unit to be located 8.5'+/- from the easterly property line where 10 feet is required and (ii) to clarify the records, relief from §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 36.4 feet where 40 feet is required for the front covered porch and any other relief necessary.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

RE-OPENED

SCTM – HAMLET

Re-Opened on 04/01/21 and adjourned to 05/06/21; adjourned from the 05/06/21 meeting:

9. **John & Audrey Niewenhous** Adam 900-9-3-36.1 Noyac
61 Harbor Drive
The public hearing for this application was closed on September 17, 2020 and left open for written submissions to allow the applicant time to make an application to the Town Conservation Board. This application is being re-opened for further testimony.

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, 01/07/21 and 03/04/21 meeting:

10. **Production Holding, LLC & Tyrone Terchunian** Adam 900-355-2-18.6 & 18.7
57 & 61 Station Road (app# 2000066) 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.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 01/07/21 and 03/04/21 meeting:

11. **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 01/07/21 and 03/04/21 meeting:

12. **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.

Held over from the 11/19/20 meeting; adjourned from the 01/07/21, 02/04/21, 02/18/21, 03/04/21 and the 04/01/21 meeting; and held over from the 04/15/21 meeting:

13. **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.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 04/15/21 meeting; and adjourned from the 05/06/21 meeting:

14. **Liliana Danzo** (app# 2100032) Adam 900-339-1-47 & 902-4-3-19
22 Lakewood Avenue East Quogue
- Applicant requests relief from the following provisions of the Town Code: 1. For a proposed 1-story addition with a proposed covered deck and a proposed 2nd story addition to an existing dwelling: (i) §330-115C (continuance) for a principal front yard setback of 13.8 feet where 23.3 feet is existing; (ii) §330-11 (residential districts table of dimensional regulations) for a side yard setback of 19.6' where 20' is required; (iii) §330-11 for a front side yard relief of 16.3' where 60' is required; (iv) §330-84(D) (pyramid height) for a proposed encroachment in the amount 1,003 cubic feet (North side); 2. For a proposed screened porch addition to the existing dwelling: §330-11 for a principal front yard setback of 36.3 where 40 feet is required from the west property line (Lakeside Lane); and 3. To legalize a shed constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 7.1 feet where 10 feet is required and an accessory distance from street setback (front yard) (west property line – Lakeside Lane) of 31.6' where 50' is required; and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts); (iii) §330-83C (yards) to allow the metal shed to be located in the within the required front yard of the principal building; (iv) §330-76 (placement of accessory buildings, structures and uses in all districts) for an accessory building located 3.4' from the main building where 5' is required on a nonconforming lot and any other relief necessary.

Held over from the 04/15/21 meeting; and adjourned from the 05/06/21:

15. **Viva Group, LLC** (app# 2100034) Michael 900-99-1-51 North Sea
5 Kings Lane
- Applicant requests a determination that the subject parcel SCTM# 900-99-1-51 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. In addition, applicant requests relief from the following provisions of Town Code §330-11 (residential districts table of dimensional regulations): 1. For the proposed dwelling: (i) a principal front yard of 40 feet at the North Side and 51 feet at the South Side where 80 feet is required, (ii) a minimum side yard of 15.5 feet at where 25 feet is required, (iii) a total side yard setback of 38.2 feet where 65 feet is required and (iv) a rear yard setback of 56.4 feet where 100 feet is required; 2. For the proposed covered front porch: a principal front yard of 38.5' where 80' is required; 3. For the proposed in-ground pool: an accessory side yard setback of 14 feet at the north side of the property where 30 feet is required; and 4. For the rear deck attached to the proposed dwelling: an accessory side yard setback of 22.7 feet where 30 feet is required on a nonconforming lot and any other relief necessary.

AMENDED DECISION

SCTM – HAMLET

16. **David Sherwood** Michael 900-19-1-16 Noyac
22 Bay View Road
- On April 15, 2021, by Decision No. D021037, this Board granted pyramid and rear yard coverage relief for a proposed two-story dwelling. This decision is being amended to correct a scrivener's error to wit, the revised date of the survey.

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
May 20, 2021
Page 6 of 6**

<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Edward Burke Jr. & Patricia Burke (written submissions by May 6 th)	Keith	04/15/21	900-5-2-17	Noyac
2 Peconic Crescent, LLC (written submissions by April 16 th)	Cornelius	04/01/21	900-191-4-11	Shinnecock Hills
Stuart Boesky (written submission by April 16 th)	Brian	04/01/21	900-178-1-17.80	Water Mill
Diego & Marlene Quizhpi (written submissions by April 29 th)	Adam	04/15/21	900-143-3-47	Flanders
85 Eastway, LLC (written submissions by Feb. 22 nd)	Adam	01/21/21	900-233-2-1	Shinnecock Hills
Barbara Swislosky (written submissions by March 18 th)	Helene	02/18/21	900-144-1-24	Flanders
Patrick Bradley (written submissions by March 18 th)	Keith	02/18/21	900-343-1-27	East Quogue
Frank Freddi (written submissions by March 8 th)	Adam	02/04/21	900-293-5-18	Hampton Bays