

# 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  
August 5, 2021

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. 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](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. **Allen Klien & Nita Kalish-Klein** (app# 2100077) 900-368-1-16.2 Remsenburg  
29 Clay Pit Road Cornelius  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations): (i) for a principal minimum side yard setback of (+/-) 13 feet where 20 feet is required, (ii) a principal total side yard setback of (+/-) 33.5 feet where 45 feet is required and (iii) a principal rear yard setback of (+/-) 42 feet where 60 feet is required; all to allow part of the existing detached garage to be attached to the existing two-story dwelling by way of a proposed 1-Story connector on a nonconforming lot and (ii) §330-76A to allow the remaining portion of the garage to be located zero feet from the main dwelling where a minimum of 5 feet is required. In addition, to clarify the records, a principal rear yard setback of 53.3 feet is existing where a rear yard setback of 60 feet is required for the roof over porch attached to the northwest side of the dwelling and any other relief necessary.
2. **Hazy Wolf, LLC** (app#) 900-179-1-33 Water Mill  
1341 Flying Point Road  
Applicant request relief from the following provisions of the Town Code to allow an existing home, with deck and hot tub to be raised in order to comply with FEMA regulations, to enclose an existing roofed porch and to construct a second story deck: 1. §330-46.2B(2) (Adjacent Areas): (i)

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

**Hazy Wolf, LLC (continued)**

a principal setback of 33.9 feet from the crest of the dune to the dwelling where 125 feet is required; (ii) a principal setback of 27 feet from the crest of the dune to the existing deck where 125 feet is required; (iii) a setback of 30 feet from the crest of the dune where 125 feet is required for a proposed stairway to an existing second floor deck that will be expanded; (iv) a setback of 49 feet from the crest of the dune where 125 feet is required for a proposed deck extension of an existing deck; (v) a setback of 57 feet from the crest of the dune where 125 feet is required to allow the conversion of an existing outdoor shower, set of stairs and a deck housing mechanical utilities to a deck with stairs over to access an existing roof deck and abandon an existing slate patio and stairs; 2. §330-46.2B(2)(b)(4)(a) & (4)(b) (Adjacent Areas): for a minimum side yard setback of 3.7 feet where 14 feet is required and a total side yard setback of 19.9 feet where 28 feet is required to construct a utility room to accommodate existing utilities; 3. §330-46.2(B)(3) (Adjacent Areas) to replace an existing outdoor shower, utility platform, deck and stairs with a new deck and stairs; 4. §330-84D (pyramid height) for a proposed encroachment in the amount of 480 cubic feet for a proposed utility room on the north west corner of the dwelling; and 5. 330-11 (Note 6) (residential districts table of dimensional regulations) to allow the proposed height of the dwelling to be 42'-6" where a maximum of 42 feet is permitted and any other relief necessary.

3. **Harvey Herman** (app# 2100078)                      Helene                      900-126-3-5                      Hampton Bays  
146 Red Creek Road  
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed addition (artist studio and storage) to an existing dwelling on a nonconforming lot: §330-115C (continuance) for a principal front yard setback of 20.7 feet where 44.3 feet is existing; 2. To legalize a sunroom that was constructed on an existing deck without the benefit of a building permit: §330-115C for a principal front yard setback of 42.5 feet where 44.3 feet is existing; and 3. To legalize an outdoor shower that was constructed without the benefit of a building permit: §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 49.5 feet where 70 feet is required and any other relief necessary.
  
4. **John Kneeland** (app# 2100079)                      Susan                      900-3-1-34.3                      Noyac  
23 Bayshore Avenue  
Applicant request relief from the following provisions of the Town Code for a detached garage with studio above on a nonconforming lot: (i) §330-11 (Residence Districts Table of Dimensional Regulations) for an accessory front yard setback of 30.2' where 50' is required; (ii) §330-84(D) (Pyramid Height) for a pyramid encroachment of 256 cu. ft. on South/East side of the property and (iii) §330-76D (Placement of accessory buildings Structures and Uses in all districts) and §330-83(C) (Yards) to allow the proposed detached two-story garage to be located within the required front yard and any other relief necessary.
  
5. **Town of Southampton Housing Authority** (app# 2100080)                      900-139-2-33.2                      Keith  
86 Vail Avenue                      Riverside  
Applicant requests a determination that the subject parcel SCTM# 900-139-2-33.2 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. If the Board deems the parcel to be single and separate, applicant also requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed total lot coverage of 25.4% (+/-) where a maximum of 20% is permitted for a proposed one-story dwelling on a nonconforming lot and any other relief necessary.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

6. **Town of Southampton Housing Authority** (app# 2100081) 900-139-2-44 Riverside  
116 Vail Avenue Michael  
Applicant requests a determination that the subject parcel SCTM# 900-139-2-44 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. If the Board deems the parcel to be single and separate, applicant also requests relief from Town Code §330-115D(2) (continuance) for a principal rear yard setback of 30.6 feet where 39 feet is permitted for a proposed one-story dwelling on a nonconforming lot and any other relief necessary.
  
7. **Town of Southampton Housing Authority** (app# 2100082) 900-139-2-31.4 Riverside  
69 Old Quogue Road Adam  
Applicant requests a determination that the subject parcel SCTM# 900-139-2-31.4 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. If the Board deems the parcel to be single and separate, applicant also requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed total lot coverage of 22% (+/-) where a maximum of 20% is permitted for a proposed one-story dwelling on a nonconforming lot and any other relief necessary.

**RE-ADVERTISED 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 9/3/20 meeting; adjourned from the 03/04/21 and the 05/06/21 meeting:**

8. **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 2<sup>nd</sup> 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.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 05/20/21 meeting:**

9. **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.

**Held over from the 05/06/21 meeting; and adjourned from the 06/17/21 meeting:**

10. **LPD IV, LLC** (app# 2100038) Helene 900-263-3-33.1 Hampton Bays  
134 East Montauk Highway  
Applicant requests relief from Town Code §330-95 (Schedule of Off-Street Parking Space Requirements for Nonresidential Uses) to allow 58 parking spaces where 66 parking spaces is required for a proposed laundromat and any other relief necessary.

**SEQRA RESOLUTION – LEAD AGENCY**

**SCTM – HAMLET**

**LPD IV, LLC** (app# 2100038) Helene 900-263-3-33.1 Hampton Bays  
134 East Montauk Highway

Motion: \_\_\_\_\_ Opposed: \_\_\_\_\_

2<sup>nd</sup>: \_\_\_\_\_ Abstained: \_\_\_\_\_

In favor: \_\_\_\_\_

**Held over from the 12/3/20 meeting and adjourned from the 01/21/21 meeting; held over from the 03/18/21 meeting; adjourned from the 04/15/21 meeting; held over from the 06/03/21 meeting and adjourned from the 07/01/21 meeting:**

11. **Round Dune, Inc.** Brian 900-385-2-14 East Quogue  
101 Dune Road  
Applicant requests relief from Town Code §138-20(G) Notification of Administrator, Duration of emergency authorization. The applicant received an Emergency Coastal Erosion Management Permit # ECE 190001 for the installation of dune stabilizing geo-cubes and is requesting relief beyond the 6 months permitted by the Town Code and any other relief necessary.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 06/03/21 meeting and adjourned from the 7/15/21 meeting:**

12. **Mia Rowe** (app# 2100054) Adam 900-36-1-20.26 Bridgehampton  
 872 Millstone Road  
 Applicant requests relief for the following buildings and structures that were constructed without the benefit of building permits: 1. To legalize the location of the 20' x 53.4' in-ground swimming pool with waterfall: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 38.8 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 swimming pool to remain within the total required side yard for the principal building); 2. To legalize the portion of the patio on the north side of the swimming pool: §330-11 for an accessory front yard setback of 46 feet+/- where 70 feet is required; 3. To legalize the portion of the patio on the west side of the swimming pool: §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow this portion of the patio to remain within the total required side yard for the principal building at a setback of 21.7'(southeast corner) and 30' (southwest corner); and 4. To legalize the location of the 10.5' x 20' shed: §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the shed to remain within the total required side yard for the principal building at a setback of 32 feet +/- and any other relief necessary.

**Held over from the 06/17/21 meeting and adjourned from the 7/15/21 meeting:**

13. **Matthew Lucas** (app# 2100044) 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 3,925.3 cubic feet (2,905.4 east side + 1,019.9 west side) for proposed two-story dwelling with attached garage and any other relief necessary.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

<b><u>DECISIONS</u></b>	<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>
Town of Southampton (written submissions by June 17 <sup>th</sup> )	Brian 05/06/21	900-308-4-1.3 Westhampton
David & Abby Salzman (written submissions by July 29 <sup>th</sup> )	Keith 07/01/21	900-232-2-19 Shinnecock Hills
Timothy McGrattan (written submissions by July 29 <sup>th</sup> )	Cornelius 07/01/21	900-319-4-2 East Quogue
Matthew Christophersen (written submissions by July 29 <sup>th</sup> )	Michael 07/01/21	900-191-4-13 Shinnecock Hills

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<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
186 Water Mill Towd Road, LLC (written submissions by July 29 <sup>th</sup> )	Susan	07/01/21	900-80-1-6.1	Water Mill
Michael & Amy O’Brien (written submissions by July 29 <sup>th</sup> )	Adam	07/01/21	900-313-1-16	East Quogue
Kimberly Mercready (written submissions by July 29 <sup>th</sup> )	Helene	07/01/21	900-354-3-57.1	Westhampton
NYCELEX Real Estate Holdings Development Corp. (written submissions by July 29 <sup>th</sup> )	Cornelius	07/01/21	900-349-2-24	Eastport
Loris Nazarian (written submissions by July 29 <sup>th</sup> )	Brian	07/15/21	900-17-1-2	Noyac
Scott Schlachter (written submissions by July 29 <sup>th</sup> )	Susan	07/15/21	900-24-1-49	Noyac
Charles W. White and Mary White (written submissions by July 29 <sup>th</sup> )	Cornelius	07/15/21	900-369-1-41	Hampton Bays
Noyac Log Cabin Trust (written submissions by July 29 <sup>th</sup> )	Helene	07/15/21	900-4-2-72	Noyac
Karen & Brian Coyle (written submissions by July 29 <sup>th</sup> )	Keith	07/15/21	900-147-2-26	Flanders
Edward Burke Jr. & Patricia Burke (written submissions by July 29 <sup>th</sup> )	Keith	07/15/21	900-5-2-17	Noyac
Elissa McLean and Andrew Winter (written submissions by July 2 <sup>nd</sup> )	Michael	06/17/21	900-15-2-33	Noyac
Haney Farm, LLC (written submissions by July 2 <sup>nd</sup> )	Brian	06/17/21	900-56-1-15	Sagaponack
Josiah Foster, LLC (written submissions by July 2 <sup>nd</sup> )	Brian	06/17/21	900-56-1-16	Sagaponack

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<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>
Robert Postma & Janet Whalen (written submissions by July 2 <sup>nd</sup> )	Susan	06/17/21	900-102-3-14.39 Water Mill
Richard Stott (written submissions by July 2 <sup>nd</sup> )	Adam	06/17/21	900-268-2-31 Hampton Bays
85 Eastway, LLC (written submissions by Feb. 22 <sup>nd</sup> )	Adam	01/21/21	900-233-2-1 Shinnecock Hills
Barbara Swislosky (written submissions by March 18 <sup>th</sup> )	Helene	02/18/21	900-144-1-24 Flanders