

TOWN OF SOUTHAMPTON

CHAIRPERSON
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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 19, 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

- 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

- Joseph Musnicki and Charlene Quinlan** Adam 900-86-2-33.1 Bridgehampton
116 Ocean Road

Applicant requests the following relief for the relocation, conversion, and expansion of an existing “guest house” into a carriage house: (i) Town Code 330-9D(4)(c) (Density incentive provisions) for a side yard setback of 20.7 feet where 30 feet is required for the proposed carriage house; and (ii) Town Code §330-9(D)(4) to waive the transfer of one or more development right(s) or PBC to the site and any other relief necessary.
- Patrick DePierro and Kristen Barry** Keith 900-362-3-24 East Quogue
42 Tarpon Road

Applicant requests relief from the following provisions of the Town Code: 1. For the proposed swimming pool: §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 total side yard for the principal building; 2. To legalize the slate patio constructed on the north side of the dwelling without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 1 foot (+/-) where 8 feet is required and (ii) §330-76D and §330-83C to allow the slate patio to be remain within the minimum & total side for the principal building; and 3. To legalize the 12.2' x 7.9' shed constructed on the north side of the dwelling without the benefit of a building permit: (i) §330-11 for an accessory side

NEW APPLICATIONS (continued)

SCTM – HAMLET

Patrick DePierro and Kristen Barry (continued)

yard setback of 5.2 feet where 8 feet is required, (ii) §330-76D and §330-83C to allow the shed to remain within the minimum & total side for the principal building, (iii) §330-76A to allow the shed to remain 3.7 feet from the main dwelling where a minimum of 5 feet is required and (iv) §330-84D (pyramid height) for an encroachment in the amount of 69.5 cubic feet and any other relief necessary.

3. **2 Rose Court, LLC** Brian 900-100-1-25.3 North Sea
2 Rose Court
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-55(B)(1) (transfer of residential development right procedure) for a principal front yard setback of 48.7 feet where 71.63 feet is permitted for a proposed two-story garage addition to an existing dwelling and (ii) Town Code §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to legalize the expansion of the slate patio constructed within the total required side yard for the principal building without the benefit of a building permit on the south side of the swimming pool and on the south and east sides of the hot tub and any other relief necessary.

4. **Falcon 422, LLC** Helene 900-81-2-22.1 Water Mill
422 Scuttle Hole Road
Applicant requests relief from the following provisions of the Town Code to permit the re-subdivision of the subject premises: (i) Town Code §330-11 (residential districts table of dimensional regulations) as it relates to Town Code §292-44 (exemptions, waivers): 1. For proposed Lot 1: a lot area of 43,377.76 square feet where 80,000 square feet is required and 2. For proposed Lot 2: (i) a lot area of 40,003.88 square feet where 80,000 square feet is required. In addition, applicant requests relief from Town Code §330-11 for an accessory rear yard setback of 20 feet where 30 feet is required and an accessory side yard setback of 20 where 30 feet is required for a proposed 20' x 50' swimming pool on proposed Lot 2. In addition, applicant requests a determination as to whether or not the detached one-story accessory building (a result of the expansion and conversion of a detached garage into an Art/Yoga Studio without the benefit of a building permit) 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 and any other relief necessary.

5. **111 Schwenks, LLC** Susan 900-100-1-82.1 Water Mill
111 Schwenks Road
Applicant requests relief from the following provisions of the Town Code for a proposed detached 24' x 24' garage: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 20 feet where 90 feet is required from easterly property line (Schwenks Road), (ii) §330-11 for an accessory side yard setback of 21 feet where 30 feet is required and (iii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the proposed detached garage to be located within the required front yard for the principal building and any other relief necessary.

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NEW APPLICATIONS (continued)

SCTM – HAMLET

6. **Gregg & Michelle Faver** Susan 900-321-4-7 Hampton Bays
6 Wells Lane
Applicant requests relief from the following provisions of the Town Code: 1. §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 51.33 feet where 70 feet is required from the easterly property line (Wells Lane) for proposed swimming pool; (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 for the principal building; 2. §330-11 for a principal front yard setback of 36 feet +/- where 40 feet is required to legalize a roof over the front entrance constructed without the benefit of a building permit and 3. §330-11 for a total lot coverage in excess of 20% and any other relief necessary.

RE-ADVERTISED APPLICATIONS

SCTM – HAMLET

7. **Thomas and Eva DeVito** (app# 2100049) Cornelius 900-76-2-16 North Sea
129 Shore Road
Applicant requests relief from the following provisions of the Town Code for a proposed three-story dwelling: (i) §330-11 (residential districts table of dimensional regulations) for a proposed required rear lot setback of 20.3' where 30' is required; (ii) §330-11 to allow the proposed dwelling to be three stories where a maximum of two stories is permitted; and (iii) §330-84D (pyramid height law) for a proposed encroachment in the amount of 1,621 cubic feet (940 cubic feet South + 535 cubic feet North + 146 cubic feet East) and any other relief necessary.
8. **Town of Southampton Housing Authority** (app# 2100080) 900-139-2-33.2 Riverside
86 Vail Avenue Keith
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.
9. **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.
10. **Town of Southampton Housing Authority** (app# 2100082) 900-139-2-31.4 Riverside
69 Old Quogue Road Adam
SCTM# 900-139-2-31.4. 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

NEW APPLICATIONS (continued)

SCTM – HAMLET

Town of Southampton Housing Authority (continued)

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.

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 05/06/21 meeting; and adjourned from the 06/03/21 and the 07/15/21 meeting:

11. **1201 Noyac Road, LLC** (app# 2100039) Michael 900-42-3-51 North Sea
18 Kendalls Lane

Applicant requests relief from the following provisions of the Town Code: 1. For a proposed covered porch addition to the existing dwelling: §330-115C (continuance) for a principal front yard setback of 21.8 feet where 27.1 feet is existing; 2. For the proposed one-story addition and two-story addition to the existing dwelling: §330-115C for a principal front yard setback of 23 feet where 27.1 feet is existing; 3. For a proposed tennis court: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 20 feet where 70 feet is required from the westerly property line (40' Right-of-Way Kendalls Lane) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the tennis court to be located within the required front yard for the principal building; and 4. For the patio around the swimming pool: §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the northwest corner of the patio to be located within the required minimum side yard for the principal building on a nonconforming lot and any other relief necessary.

Held over from the 8/5/21 meeting:

12. **Hazy Wolf, LLC** (app# 2100083) Brian 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) 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

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Hazy Wolf, LLC (continued)

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.

Held over from the 8/5/21 meeting:

13. **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.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Frank Freddi (written submissions by March 8 th)	Adam	02/04/21	900-293-5-18	Hampton Bays
Matthew Christophersen (written submissions by July 29 th)	Michael	07/01/21	900-191-4-13	Shinnecock Hills
Michael & Amy O'Brien (written submissions by July 29 th)	Adam	07/01/21	900-313-1-16	East Quogue
Kimberly Mercready (written submissions by July 29 th)	Helene	07/01/21	900-354-3-57.1	Westhampton
NYCELEX Real Estate Holdings Development Corp. (written submissions by July 29 th)	Cornelius	07/01/21	900-349-2-24	Eastport
Scott Schlachter (written submissions by July 29 th)	Susan	07/15/21	900-24-1-49	Noyac

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<u>DECISIONS (continued)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Karen & Brian Coyle (written submissions by July 29 th)	Keith	07/15/21	900-147-2-26	Flanders
Edward Burke Jr. & Patricia Burke (written submissions by July 29 th)	Keith	07/15/21	900-5-2-17	Noyac
Robert Postma & Janet Whalen (written submissions by July 2 nd)	Susan	06/17/21	900-102-3-14.39	Water Mill
Richard Stott (written submissions by July 2 nd)	Adam	06/17/21	900-268-2-31	Hampton Bays
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