

TOWN OF SOUTHAMPTON

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Zoning Board of Appeals
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JAY SCHNEIDERMAN
TOWN SUPERVISOR

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
September 16, 2021

The Zoning Board of Appeals meeting is held at Town Hall, 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

1. **John & Victoria Petrillo** (app# 2100097) Michael 900-42-1-9 North Sea
31 East Beach Drive

Applicant requests relief from the following provisions of the Town Code: 1. For the proposed dwelling on a nonconforming lot: (i) §330-83K (Yards) for a principal minimum side yard setback of 7.5' from the South side of the property line where 10' is permitted and (ii) §330-84D (Pyramid Height) for a pyramid encroachment in the amount of 7,384 cubic feet (3,413 cf on the South side and 3,971 cf on the North side); 2. For the proposed porch with a 2nd story deck on the west side of the dwelling: §330-83K for a principal side of 7.3' from the South side of the property where 10' is permitted; 3. For the proposed deck on the west side of the dwelling: §330-11 (Residence Districts Table of Dimensional Regulations) an accessory setback of 7' where 10' is required; and 4. For the proposed mechanicals located on the North side of the property (A/C Units) §330-77G (Placement of accessory buildings, structures and uses in residence districts) for a setback of (+/-) 4' where 10' is required and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

2. **Pheasant Walk Holdings, LLC** (app# 2100098) Brian 900-135-5-5 Bridgehampton
47 Pheasant Walk
Applicant requests relief from the following provisions of the Town Code to re-establish a nonconforming lot on a filed subdivision not continuously held in single and separate ownership: 1. Town Code §330-11 (residential districts table of dimensional regulations) as it relates to Town Code §292-44 (exemptions, waivers) for a lot area of 59,006.37 square feet where 60,000 square feet is required and 2. Town Code §330-82 (lot width) to allow a minimum road frontage of 37.56 feet at the street line where a minimum of 40 feet is required and any other relief necessary.

3. **95 Inlet Road West, LLC** (app# 2100099) Helene 900-176-1-1 Shinecock Hills
95 Inlet Road West
Applicant requests relief from the following provisions of the Town Code to legalize a frame shed (12.2' x 14.9') constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 13 feet from the westerly property line (North Beach Road) and (ii) §330-76D (placement of accessory, buildings, structures and uses in all districts) and §330 83C (yards) to allow the shed to remain within the required front yard for the principal building. on a nonconforming lot and any other relief necessary.

4. **Richard Doyle** (app# 2100100) Keith 900-62-1-52 North Sea
62 Waters Edge Road
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 20 feet from easterly property line (Knoll Road) 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 proposed swimming pool to be located within the required front yard for the principal building; 2. For a proposed addition on the south side of dwelling: (i) a principal front yard setback of 50' +/- from the easterly property line (Knoll Road) where 60 feet is required, (ii) §330-115(C) (continuance) for a principal minimum side yard setback of 6.5 feet where 16.7 feet is existing and a principal total side yard setback of 23.2 feet where 36.5 feet is existing and (iii) §330-84D (pyramid height) for a proposed encroachment in the amount of 545.2 cubic feet; and 3. For a proposed shed attached to the north side of the dwelling: (i) §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required and (ii) §330-76D (placement of accessory, buildings, structures and uses in all districts) and §330-83C (yards) to allow the shed to be located within the minimum and total side yard for the principal building on a nonconforming lot. In addition, to clarify the records, relief is required from Town Code §330-11 for a principal front yard setback of 50.4 feet from the westerly property line (Waters Edge Road) where 51 feet was permitted and any other relief necessary.

5. **Brian O'Sullivan** (app# 2100101) Susan 900-61-1-44 North Sea
32 Cove Road
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed garage (with porch) addition to the existing dwelling on a nonconforming lot: §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 40 feet where 60 feet is required from the northerly property line (Cove Road) and a principal front yard setback of 56.2 feet where 60 feet is required from the westerly property line (Waters Edge Road); 2. For the proposed swimming pool: (i) §330-11 for an accessory side yard setback of 16 feet where

NEW APPLICATIONS (continued)

SCTM – HAMLET

Brian O’Sullivan (continued)

20 feet is required and an accessory distance from street setback (front yard) of 58.4 feet where 70 feet is required from the westerly property line (Waters Edge Road) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located within the required minimum side yard for the principal building and 3. For the proposed porch addition to the existing dwelling (Cove Road): §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of (+/-) 57 feet where 60 feet is required; and 4. To legalize a wood deck constructed on the south side of the dwelling without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 5 feet (+/-) where 20 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the deck to remain within the required minimum side yard for the principal building and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

6. **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.

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, 01/07/21, 03/04/21 and the 06/17/21 meeting:

7. **Production Holding, LLC & Tyrone 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.

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, 03/04/21 and the 06/17/21 meeting:

8. **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, 03/04/21 and the 06/17/21 meeting:

9. **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 05/06/21 meeting; and adjourned from the 06/03/21, 07/15/21 and the 08/19/21 meeting:

10. **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

HOLDOVER APPLICATIONS

SCTM – HAMLET

1201 Noyac Road, LLC (continued)

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 08/19/21 meeting; adjourned from the 09/02/21 meeting:

11. **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.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Joseph Musnicki & Charlene Quinlan (written submissions by Sept. 3 rd)	Adam	08/19/21	900-86-2-33.1	Bridgehampton
Patrick DePierro and Kristen Barry (written submissions by Sept. 3 rd)	Keith	08/19/21	900-362-3-24	East Quogue
2 Rose Court, LLC (written submissions by Sept. 3 rd)	Brian	08/19/21	900-100-1-25.3	North Sea
111 Schwenks, LLC (written submissions by Sept. 3 rd)	Susan	08/19/21	900-100-1-82.1	Water Mill
Town of Southampton Housing Authority (86 Vail Avenue) (written submissions by Sept. 3 rd)	Michael	08/19/21	900-139-2-33.2	Riverside

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<u>DECISIONS (continued)</u>	<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>
Town of Southampton Housing Authority (116 Vail Avenue) (written submissions by Sept. 3 rd)	Michael 08/19/21	900-139-2-44 Riverside
Town of Southampton Housing Authority (69 Old Quogue Road) (written submissions by Sept. 3 rd)	Michael 08/19/21	900-139-2-31.4 Riverside
Hazy Wolf, LLC (written submissions by Sept. 3 rd)	Brian 08/19/21	900-179-1-33 Water Mill
Harvey Herman (written submissions by Sept. 3 rd)	Helene 08/19/21	900-126-3-5 Hampton Bays
Round Dune, Inc. (written submissions by Aug. 20 th)	Brian 08/05/21	900-385-2-14 East Quogue
Mia Rowe (written submissions by Aug. 20 th)	Adam 08/05/21	900-36-1-20.26 Bridgehampton
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
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

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DECISIONS (continued)

DATE CLOSED

SCTM – HAMLET

Richard Stott
(written submissions by July 2nd)

Adam

06/17/21

900-268-2-31

Hampton Bays

85 Eastway, LLC
(written submissions by Feb. 22nd)

Adam

01/21/21

900-233-2-1

Shinnecock Hills

Barbara Swislosky
(written submissions by March 18th)

Helene

02/18/21

900-144-1-24

Flanders