

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
October 7, 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. **1625 Noyac Path, LLC** (app# 2100102) Keith 900-22-1-60.8 Noyac
1625 Noyac Path
Applicant requests relief from: §330-11 (residence districts table of dimensional regulations) for a proposed lot coverage of 5.6% where a maximum of 5% is permitted for a proposed dwelling with attached porches and decks on a nonconforming lot and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

2. **Donna Cooke** (app# 2100103) Cornelius 900-369-1-68.1 Remsenburg/Speonk
19 Crestview Drive
Applicant requests relief from the following provisions of the Town Code for a proposed carport on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 5 feet where 20 feet is required and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 863.15 cubic feet and any other relief necessary. In addition, to clarify the records, the existing dwelling shows a rear yard setback of 25' where 60' was required when the house was built in 1958.

NEW APPLICATIONS (Continued)

SCTM – HAMLET

3. **Grant Werner (Bret and David Moore – Applicants)** 900-351-2-23 Eastport
10 River Avenue (app# 2100104)
Applicant appeals the issuance of Pre-Existing Certificate of Occupancy No. C210111, dated April 12, 2021, for the “1-Two story, two family dwelling with partial unfinished basement; 1-One story cottage; 1-Two story cottage. As per survey dated October 8, 2019 by John Gallacher. OTHER STRUCTURES APPROVED BY THE FOLLOWING CERTIFICATES: P083976-First floor deck on main dwelling and outdoor shower, replace window in bedroom to egress” and any other relief necessary.

4. **Barbara A. Marks Revocable Trust** 900-342-2-12 East Quogue
8 Halsey Avenue
Applicant request relief from the following provisions of the Town Code: 1. For a proposed carport on a nonconforming lot: §330-84D (pyramid height) for an encroachment in the amount of (+/-) 98.7 cubic feet; and §330-115C (continuance) for a principal minimum side yard setback of 8.1' where 12.8' is existing and a principal total side yard setback of 20.9 where 33.6' is existing; 2. To legalize the roof over wood deck on the Westerly side of the dwelling: §330-115C (continuance) for a principal total required side yard of (+/-) 29.8' where 33.6' is existing; 3. To legalize the roof over front stoop: §330-11 (residence districts table of dimensional regulations) for a required front setback of (+/-) 35' where 40' is required; and 4. To legalize the shed constructed without the benefit of a building permit: §330-11 (residence districts table of dimensional regulations) for an accessory rear setback of 0.2' where 10' is required and §330-84D (pyramid height) and any other relief necessary.

5. **Stephen and Wendy Cambor** (app# 2100105) 900-211-2-22 Shinnecock Hills
21 Ochre Lane Brian
Applicant requests relief from the following provisions of the Town Code for a proposed 15' x 27' swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street (front yard) setback of 45 feet where 90 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 on a nonconforming lot and any other relief necessary.

6. **Huckleberry Lane East, LLC** (app# 2100106) 900-231-1-21 Hampton Bays
11 Huckleberry Lane East Susan
Applicant requests relief from the following provisions of the Town Code for a proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 5 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 be located within the required front yard on a nonconforming lot and any other relief necessary.

7. **Dilip Patel & Sabjhit Kaur Dhillon** (app# 2100107) 900-31-1-3.2 North Sea
147 Edgemere Drive Brian
Applicant requests relief from the following provisions of the Town Code for a proposed two-story addition to the existing dwelling on a nonconforming lot: (i) §330-115C (continuance) for a principal total side yard setback of 24.9 feet where 40.5 is existing and (ii) §330-84D (pyramid height) for an encroachment in the amount of (+/-) 1,303.62 cubic feet (663.5 proposed on the east side + 640.12 existing on the west side) and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

8. **Athena Moustakas** (app# 2100091) Mike 900-5-5-64 Noyac
10 Oak Road

Applicant request relief from following provisions of the Town Code for a proposed two-story dwelling on a nonconforming lot: (1) §330-115C (continuance) for a proposed principal front yard setback on the North Side of the property (Noyac Avenue) of 10.4' where 14.7' is pre-existing; (2) §330-11 (residence districts table of dimensional regulations) for: (i) a principal front yard setback on the West Side of the property (Oak Road) of 27.7' where 30' is required to the dwelling; (ii) a principal setback on the East Side of the property (Noyac Avenue) of 19.8' where 30' is required to the dwelling; (iii) a principal front yard setback on the East Side of the property (Noyac Avenue) of 17.7' where 30' is required to the porch; and (iv) a proposed total lot coverage of 25.1%; (3) 330-83B(1) (Yards) for an unroofed balcony that projects more than 8' into the principal front yard setback; and (4) §330-84D (pyramid height) for a proposed encroachment in the amount of 5,408 cubic feet and any other relief necessary.

9. **Richard Doyle** (app# 2100100) Keith 900-62-1-51 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.

RE-OPENED

SCTM – HAMLET

10. **Mia Rowe** (app# 2100054) Adam 900-36-1-20.26 Bridgehampton
872 Millstone Road

The public hearing for this application was closed on August 5, 2021, but the record was left open for written submissions by August 20, 2021. By letter dated, September 15, 2021, Timothy McCulley states, as the attorney for the applicant, he has no objection to the board re-opening the hearing for additional testimony. This application was re-opened on September 16, 2021.

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 08/19/21 meeting:

11. **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.

SEQRA RESOLUTION – LEAD AGENCY

SCTM – HAMLET

Falcon 422, LLC Helene
422 Scuttle Hole Road

900-81-2-22.1 Water Mill

Motion: _____ Opposed: _____

2nd: _____ Abstained: _____

Held over from 09/16/21 meeting:

12. **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.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 05/20/21 meeting; and adjourned from the 8/5/21 and the 09/02/21 meeting:

13. **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.

AMENDMENTS TO DECISIONS

SCTM – HAMLET

14. **2 Rose Court, LLC** Brian 900-100-1-25.3 North Sea
 2 Rose Court
 On September 16, 2021, this Board by decision number D021098, granted relief for a proposed two-story garage addition to an existing dwelling and relief to legalize the expansion of the slate patio on the south side of the swimming pool and on the south and east side of the hot tub. This decision is being amended to correct a scrivener’s error, to wit, the date of the survey.
15. **Harvey Herman** (app# 2100078) Helene 900-126-3-5 Hampton Bays
 146 Red Creek Road
 On September 16, 2021, by this Board by decision number D021099, granted relief for the following: (i) a proposed addition, (ii) to legalize a sunroom constructed on an existing deck; and (iii) to legalize an outdoor shower. This decision is being amended to correct a scrivener’s error, to wit, the date of the survey.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Matthew J. Cawley
 (written submissions by Sept. 17th) Cornelius 09/02/21 900-88-1-17.5 Bridgehampton

Mark & Kathy Hannan
 (written submissions by Sept. 17th) Keith 09/02/21 900-43-1-73.1 North Sea

Kurt Steltenphol
 (written submissions by Sept. 17th) Brian 09/02/21 900-86-1-25 Bridgehampton

Stephanie Davis
 (written submissions by Sept. 17th) Adam 09/02/21 900-368-2-40 Remsenburg/Speonk

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<u>DECISIONS (continued)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
LPD IV, LLC (written submissions by Sept. 17 th)	Helene	09/02/21	900-263-3-33.1	Hampton Bays
Joseph Musnicki & Charlene Quinlan (written submissions by Sept. 3 rd)	Adam	08/19/21	900-86-2-33.1	Bridgehampton
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
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)	Adam	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
Michael & Amy O’Brien (written submissions by July 29 th)	Adam	07/01/21	900-313-1-16	East Quogue
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
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