

TOWN OF SOUTHAMPTON

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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
January 17, 2019

The Zoning Board of Appeals meeting is held in the Town Board Room, 116 Hampton Road, Southampton. Applications are scheduled to begin at 7:00 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. **Anthony Milanese** (appl. 1900001) Cornelius 900-392-2-16 Westhampton
547 Dune Road
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 12,386 cubic feet (5,993 cf + 6,393 cf) for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

2. **Konner Friedlander Gateway 1, LLC** (appl. 1900002) 900-84-1-15, 16.2 & 16.8
2037, 2045 & 2071 Montauk Highway Brian Bridgehampton
Applicant requests relief from the following provisions of the Town Code or a proposed three-lot subdivision and site development: (i) §330-82 (lot width) for a proposed flag pole width of 10 feet for proposed Lot 1 where 20 feet is required; (ii) §330-105K (schedules of minimum and maximum floor area) for the size of the proposed building complex on proposed Lot 2 to be 27,000 square feet where a maximum of 15,000 square feet is permitted; (iii) §330-83G(1) (yards) to allow parking spaces to be located within the transitional rear yard; and (iv) §330-78 (placement of accessory buildings and uses in non-residential districts) to allow parking to be located zero feet from portions of the side and rear property lines where 20 feet is required and any other relief necessary.

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NEW APPLICATIONS (Continued)

SCTM – HAMLET

3. **Mark Foshion** (appl. 1900003) Jason 900-381-1-61 Remsenburg
41 Shore Road
Applicant requests relief from the following provisions of the Town Code for a proposed deck attached to the principal dwelling on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 5.1 feet where 10 feet is required and (ii) §330-76D (placement of accessory buildings, structures and use in all districts) and §330-83C (yards) to allow the proposed deck to be located within the required minimum and total side yard of the principal building on a nonconforming lot and any other relief necessary.

4. **Steven Fabbri** (appl. 1900004) Mike 900-351-2-46 Eastport
11 South Bay Avenue
Applicant requests a determination as to whether or not the proposed wood shop 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 on a non-conforming lot and any other relief necessary.

5. **Diane Howe** (appl. 1900005) Keith 900-87-2-41 Bridgehampton
185 Halsey Lane
Applicant requests a determination that the subject parcel SCTM# 900- 87-2-41 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.

6. **R&S Newlight Properties, LLC** (appl. 1900006) 900-84-1-8.15 Btdgehampton
73 Newlight Lane Helene
Applicant requests relief from the following provisions of the Town Code for a proposed tennis court: 1. §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 15 feet where 30 feet is required and an accessory rear yard setback of 15 feet where 30 feet is required and 2. §330-77D (placement of accessory, buildings, structures and uses in residence districts) for a rear yard lot coverage of 27.2% where a maximum of 20% is permitted and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

7. **Scott Stapleton** Adam 900-17-2-68 Noyac
3 Linda Lane
On September 6, 2018, this Board by Decision number D018114, granted the applicant pyramid relief for a proposed detached garage and relief to allow said garage to be located within the required minimum and total side yard for the principal building. On November 26, 2018, the applicant submitted documentation requesting changes to the proposed garage which was the subject of the variances granted by Decision number D018114.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Held over from the 10.18.18 meeting:

8. **Millard C. Jayne III & Rebecca J. Wiseman** (appl. 1800129)
16 Pleasant Avenue Cornelius 900-376-1-64 Westhampton
Applicant requests a determination as to whether or not the proposed two-story detached garage 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 relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 20 feet where 70 feet is required, §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards); all to allow the detached garage to be located within the required front yard for the principal building on a nonconforming lot. In addition, applicant requests relief from the following provisions of the Town Code to allow an accessory apartment to be constructed on the second floor of the detached garage: 1. §330-11.2 F (accessory apartment special standards): (i) To allow an accessory apartment to be constructed on a property that has a lot area that is less than 30,000 square feet, (ii) for a lot area of 14,852 square feet where 32,000 square feet is required (80% of the required 40,000), (iii) for a lot width of 75 feet where 105 feet is required (70% of the required 150 feet) (iii) for a principal minimum side yard of 8.2 feet where 14 feet is required (70% of the required 20 feet), and (iv) for a principal total side yard of 38.5 feet where 42 feet is required (70% of the required 60 feet), 2. §330-11.2(G)(1) to allow the size of the accessory apartment to be 51% +/- of the total floor area of the principal dwelling where a maximum of 35% is permitted, and 3. (i) §330-11.2(J) to allow the required parking spaces for the accessory apartment to be located in the required front yard where such spaces shall be not be located in the minimum front yard and (ii) §330-11.2(J)(1) to allow two (2) driveways to exist on a lot that will have an accessory apartment. Applicant also requests an interpretation as to whether or not Town Code §330-11.2 is applicable to the swimming pool since the accessory side yard setback to said pool benefits from a ZBA decision, or in the alternative, applicant requests relief from Town Code §330-11.2F for an accessory side yard setback of 10.3 feet where 14 feet is required (70% of the required 20 feet) and any other relief necessary.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 11/1/18 meeting:

9. **Hampton Cove Realty** (appl. 1800138) Adam 900-323-2-6.1 Hampton Bays
4 Penny Lane
Applicant requests relief from Town Code §330-116 (extensions) as it relates to Town Code §330-167B(1)(a) (specific types of variances) and Town Code §330-167B(1)(d) to permit the expansion of a nonconforming use, to wit, legalize the conversion of a garage into a cottage without the benefit of a building permit on a parcel improved with one two-bedroom cottage w/deck and four one-bedroom cottages with porches and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 11/1/18 meeting:

10. **Jennie Merritt Irrevocable Trust** (appl. 1800137) 900-265-3-11 Hampton Bays
30 School Street Keith
SCTM# 900-265-3-11. Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 3.8 feet where 10 feet is required and relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 346 cubic feet to legalize an accessory building constructed without the benefit of a building permit on a nonconforming lot. In addition, applicant requests the following relief from Town Code §330-11.2 (accessory apartment special standards) to legalize an accessory apartment constructed within the accessory building without the benefit of a building permit: (i) relief to allow an accessory apartment to be located on a lot that is less than 30,000 square feet, (ii) for a lot area of 13,875 square feet where 16,000 square feet is required (80% of the required 20,000 square feet), (iii) for a lot width of 75 feet where 84 feet is required (70% of the required 120 feet), (iv) a principal minimum side yard setback of 10.5 feet where 14 feet is required (70% of the required 20 feet), and (v) an accessory side yard setback of 3.8 feet where 7 feet is required (70% of the required 10 feet) and any other relief necessary.

Held over from the 10/5/17 meeting; adjourned from the 11/16/17, 01/18/18, 3/1/18, 4/5/18, 7/19/18, 08/16/18, 10/4/18 and 12/6/18 meeting:

11. **Michael Esposito & Louis Esposito** (appl. 1700111) 900-143-2-48 Flanders
730 Flanders Road Thomas
Applicant requests relief from Town Code §330-117 (Change) as it relates to Town Code §330-167B(3) (Specific types of variances) to legalize a change from one nonconforming use to another nonconforming use without the benefit of a building permit, to wit, from a restaurant and lounge to a Take-Out Restaurant (delicatessen/market) and any other relief necessary.

Held over from the 9/20/18 meeting; adjourned from 10/18/18 and the 12/6/18 meeting:

12. **Martin Pepa** (appl. 1800117) Michael 900-133-1-19.1 Water Mill
357 Montauk Highway
Applicant requests relief from Town Code §330-76A (placement of accessory buildings, structures and uses in all districts) to legalize the construction of a roof over an existing deck to be located 1'-8.5" from the main building where a distance of 5 feet is required on a nonconforming lot and any other relief necessary.

Held over from the 11/1/18 and 12/6/18 meeting:

13. **Scuttlebutt Farms Land, LLC** (appl. 1800134) 900-50-1-9.1 Bridgehampton
1 Scuttlebutt Farms Helene
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 19.7 feet where 30 feet is required and relief from Town Code §330-77(D) (placement of accessory buildings, structures and uses in residence districts) to allow a rear yard coverage of 22.86% where a maximum of 20% is permitted; all to legalize the construction of an arbor and any other relief necessary.

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Nelson Mendez-Lopez (written submissions)	Keith	02/15/18	900-120-3-26	Flanders
Hugo R. Lara (written submissions)	Cornelius	12/20/18	900-96-2-9	North Sea
KTB Flying Point Revocable Trust (written submissions)	Keith	11/15/18	900-160-1-26	Water Mill
Randall Apt (written submissions)	Cornelius	05/17/18	900-70-2-14	Bridgehampton
Karl Bonawandt (written submissions)	Keith	10/4/18	900-173-3-11	Hampton Bays
Ocean Road Partners, LLC (written submissions)	Michael	1/3/19	900-105-2-24	Bridgehampton
Richard Sulenski & Victoria Linda Sulenski (written submissions)	Keith	1/3/19	900-293-4-22.1	Hampton Bays
Lawrence Fliegelman (written submissions)	Jason	1/3/19	900-368-4-71.15	Remsenburg/Speonk
Jennifer Gilmore (written submissions)	Michael	1/3/19	900-6-1-20	Noyac
Kenneth Seiff and Nicole Kule Seiff	Adam	1/3/19	900-70-2-36	Bridgehampton
Estate of Clifford Foster (written submissions)	Brian	12/6/18	900-36-1-4.2	Bridgehampton