

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 21, 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

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

- Michael and Jeanne Petri** (app# 2100001) Cornelius 900-292-3-13 East Quogue
18 Middle Road

Applicant requests the relief: 1. Front covered porch §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 32.7 feet where 40 feet is required; 2. For a front entry vestibule: §330-11 for principal front setback of 35.7 feet where 40 feet is required; and 3. For the proposed relocation of an existing shed: §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 required side yard for the principal building on a nonconforming lot. In addition, to clarify the Town records, variance relief for the existing "bump out" on the front of the dwelling (East side) is required from Town Code §330-11 for a principal front yard setback of 38.6 feet where 40 feet is required and any other relief necessary.
- 95 Crescent, LLC** (app# 2100002) Jason 900-17-1-5 Noyac
95 Crescent Street

Applicant requests relief from Town Code §330-76D (placement accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the proposed swimming pool and patio to be located within the minimum and total side yard of the principal building on a nonconforming lot and any other relief necessary.

NEW APPLICATIONS (continued)

SCTM – HAMLET

3. **NYCELEX Real Estate Holdings Development Corp.** (app# 2100003)
376 Main Street Cornelius 900-349-2-24 Eastport
Applicant requests the following relief for a proposed two-lot subdivision of a nonconforming lot:
1. For proposed Lot A: (i) §330-11 (residential districts table of dimensional regulations) for a lot area of 15,588.97 square feet where 20,000 square feet is required; (ii) a lot width of 80 feet +/- where 120 feet is required, and (iii) a total lot coverage of 39% where a maximum of 20% is permitted; and (ii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a rear yard coverage of 23% where a maximum of 20% is permitted; and 2. For proposed Lot B: (i) §330-11 for a lot area of 15,574.60 square feet where 20,000 square feet is required, (ii) a lot width of 50 feet where 120 feet is required, (iii) a principal minimum side yard setback of 15 feet where 20 feet is required, and (iii) a principal rear yard setback of 25 feet where 60 feet is required and any other relief necessary.
4. **Robert Crabb** (app# 2100004) Keith 900-31-1-36 North Sea
9 East Shore Drive
Applicant is requesting relief from the following provisions of the Town Code for a proposed three-story dwelling: (i) §330-84D (pyramid height) for an encroachment in the amount of 967.2 cf (West (left) side) + 1,117.7 cf (East (right) side), (ii) §330-11 (residential districts table of dimensional regulations) to allow the height of the proposed dwelling to be 38-5 1/2" where a maximum of 32 feet is permitted and to allow the proposed dwelling to be three stories where a maximum of two stories is permitted and any other relief necessary.
5. **Douglas & Elizabeth Maus** (app# 2100005) Jason 900-123-2-44 Flanders
17 Pine Avenue
Applicant requests the following relief from the Town Code: 1. To raise the existing dwelling and construct a proposed addition: (i) §330-84D (pyramid height) for an encroachment in the amount of 624.73 cubic feet (452.78 for the existing dwelling + 171.95 cubic feet for the proposed addition); 2. For the front steps: §330-83D (yards) to allow a stairway that is required by law to project into the required front yard at a setback of 17.1 feet where a setback of 20.6 feet would be permitted; 3. For the portion of the proposed wrap-around deck attached front of the dwelling: §330-83A(4) to allow a deck that is higher than one foot above ground level to be located within the required front yard of the principal building; and 4. For the portion of the proposed wrap-around deck attached west side of the dwelling: §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow this portion of the deck to be located within the total required side yard of the principal building on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Re-Opened and adjourned from the 01/07/21 meeting:

6. **Robert Raphael** (app# 2000002) Michael 900-391-2-28 Westhampton
639 Dune Road
On November 19, 2020, the public hearing was closed for this application allowing for written submissions by December 14, 2020. By letter dated December 11, 2020, John Bennett, attorney for owner, has requested that this matter be re-opened for further testimony.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 08/01/19 meeting; adjourned from the 09/05/19, 10/3/19, and the 12/5/19 meetings; adjourned from the 04/16/20 and the 05/07/20 meeting:

7. **Edward Broidy** (app# 1900100) Helene 900-139-3-47.2 Riverside
12 Old Quogue Road
Applicant requests relief from Town Code §330-82 (lot width) to allow a minimum road frontage of zero feet where 40 feet is required and any other relief necessary.

Held over from the 8/15/19 meeting; adjourned from the 3/5/20 meeting (mtg. cancelled); and adjourned from the 05/07/20 and the 07/16/20 meeting:

8. **Thomas R. Stachecki Living Trust** (appl. 1900102) 900-78-1-20.1 North Sea
1205 Majors Path 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 Pre-existing non-conforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris) to a 120 unit multi-family condominium use with a two-story club house an recreational area 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, 12/6/18, 1/17/19, 3/21/18, 7/18/19, 10/3/19, 12/5/19, 02/20/20 (mtg. cancelled), and the 3/5/20 meeting; adjourned from the 5/21/20 meeting; held over from the 8/20/20 meeting; adjourned from the 11/19/20 meeting (Final Adjournment):

9. **Michael Esposito & Louis Esposito** (app# 1700111) 900-143-2-48 Flanders
730 Flanders Road Brian
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 12/3/20 meeting:

10. **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 12/3/20 meeting:

11. **85 Eastway, LLC** Adam 900-233-2-1 Shinnecock Hills
85 Eastway Drive
Applicant requests a determination as to whether or not the proposed barn (formerly the main dwelling) is a subordinate or incidental building pursuant to Town Code §330-5 (definitions) because of its size in proportion to the proposed main dwelling and its use. In addition, applicant requests relief from the following provisions of the Town Code: 1. To allow the relocation of the existing dwelling which will be converted into an accessory building (barn) on a nonconforming lot: (i) §330-76(D) (Placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the accessory building (barn) to be located within the required front yard of the principal building, (ii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 34 feet +/- (westerly property line - Eastway Drive) where 90 feet is required and an accessory distance from street setback (front yard) of 88 feet +/- (northerly property line - Montauk Highway) where 90 feet is required, (iii) §330-77 (C) (Placement of accessory buildings, structures and uses in residence districts) to allow the accessory building (barn) to have a height of 27 feet where a maximum of 20 feet is permitted; 2. For deck attached the front of the proposed two-story dwelling: §330-83A(4) to allow a deck higher than one foot above ground level to be located within the required front yard; 3. For the existing swimming pool: (i) §330-11 for an accessory distance from street setback (front yard) of 63.43 feet where 90 feet is required; 4. For the parking area: §330-94 (schedule of off-street parking space requirements for residential uses) to allow accessory parking spaces in the required front yard and any other relief necessary.

Held over from the 11/5/20 and the 12/3/20 meeting:

12. **Susan and Matt Daimler** (app# 2000098) 900-232-3-7.5 & 7.6
3 Knoll Road Helene Shinnecock Hills
Applicant requests relief from the following provisions of the Town Code: 1 For the proposed detached garage on a nonconforming lot: §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 40 feet where 50 feet is required from the easterly property line (Knoll Road); and 2. For the proposed tennis court: (i) §330-11 for an accessory distance from street setback (front yard) of 45 feet where 50 feet is required from the northerly property line (Montauk Highway), (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 minimum side yard for the principal building, and (iii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a proposed rear yard coverage of 46.48% where a maximum of 20% is permitted and another relief necessary.

Held over from the 12/17/20 meeting:

13. **Stuart Boesky** Brian 900-178-1-17.80 Water Mill
703 Flying Point Road
Applicant requests relief from the following provisions of the Town Code for a proposed two-lot subdivision: 1. For proposed Lot 1: §330-11 (residential districts table of dimensional regulations) for the following: (i) a lot area of 29,292 square feet where 80,000 square feet is required, (ii) a lot width of 143.8 feet where 175 feet is required, and (iii) a total lot coverage of 12.3% where a maximum of 10% is permitted; and (ii) §330-115(c) (continuance) for a principal front yard setback of 60 feet where 61.6 feet is existing; and 2. For proposed Lot 2: §330-11 for a lot area of 45,174 square feet where 80,000 square feet is required and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 12/17/20 meeting:

14. **Eric Moscahlaidis** Michael 900-64-3-12.8 Water Mill
51 Bob White Drive
Applicant requests a determination as to whether or not the proposed accessory building (proposed accessory structure 1) 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. In addition, applicant requests relief from the following provisions of the Town Code for the location of the Bocce Court with wet bar: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 90 feet +/- where 110 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83(C) (yards) to allow the Bocce Court with attached wet bar to be located in the required front yard of the principal building. If deemed necessary, applicant also requests relief from Town Code §330-82 (lot width) to allow road frontages of 26.675 feet (Wood Thrush Lane) and 29.81 feet (Bob White Drive) where 40 feet is required and any other relief necessary.

Held over from the 12/17/20 meeting:

15. **River Rock Structured Capital, LLC** (app# 1900163) 900-115-1-8 Water Mill
186 Crescent Avenue Adam
Applicant requests relief from the following provisions of the Town Code: 1. For the two-story dwelling under construction on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) to allow the height of the dwelling to be 44.6 feet where maximum of 42 feet is permitted, (ii) §330-11 for a total lot coverage of 12.7% where a maximum of 10% is required, (iii) §330-83K (yards) for a principal front yard setback from the easterly property line (Davids Lane (Crescent Avenue)) of 38.1 feet where 40 feet is permitted, and (iv) §330-105(J) (schedules of minimum and maximum floor area) to allow the total floor area of the dwelling to be in excess of 15,000 square feet (if necessary); and 2. To legalize the location of the tennis court: §330-11 for an accessory rear yard setback of 28.5 feet where 30 feet is required; and 3. To legalize the height of the retaining wall: §330-109 (Fences, walls, accessory driveway structures, and clotheslines) to allow a portion of the retaining wall to have a height of approximately 8.2 feet where a maximum of 6 feet is permitted. In addition, applicant requests relief from the following provisions of the Town Code to allow the existing cottage to be converted into a carriage house: (i) §330-9D(4) (density incentive provisions) for a waiver of one or more development right or PBC; (iii) §330-9D(4) (density incentive provisions) to permit a carriage house on a lot where the property size is less than 3 acres; and (iv) §330-9D(4)(b) to permit a carriage house on a lot where the principal dwelling does not comply with all applicable dimensional requirements of the code, to wit, a height of 44.6 feet where a maximum of 42 feet is permitted; (v) §330-9D(4)(c) to allow the carriage house to remain at a front yard setback of 19.1 feet from the westerly lot line (Mud Creek) where a carriage house shall have a front yard setback of at least 10 feet greater than the principal dwelling setback and to remain at a side yard setback of 23.4 feet where 30 feet is required. In the alternative to the relief for the carriage house, applicant requests relief from Town Code §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) for expansion of nonconforming uses in excess of the allowable 50% and any other relief necessary.

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
January 21, 2021
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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Flying Point Sands, LLC (written submissions by Jan. 7 th)	Brian	12/3/20	900-178-2-14	Water Mill
Elizabeth Hazan (written submissions by Jan. 18 th)	Cornelius	12/17/20	900-69-2-1.1	Bridgehampton
Lee Stevenson & Gail P. Stevenson (written submissions by Jan. 18 th)	Keith	12/17/20	900-189-1-17	Hampton Bays
Eric E. Neuendorf (written submissions by Jan. 18 th)	Jason	12/17/20	900-290-2-12	East Quogue
David and Robin Santora (written submissions by Dec. 21 st)	Adam	11/19/20	900-359-4-39.2	Quogue
Bencar Building Corp. (written submissions by Dec. 21 st)	Brian	11/19/20	900-113-2-24.4	Water Mill
JAB Properties Associates, LP (written submissions by Dec. 21 st)	Brian	11/19/20	900-132-2-27	North Sea
Stephen Lankler (written submissions by Jan. 4 th)	Keith	12/3/20	900-346-2-5	Hampton Bays
John & Audrey Niewenhous (written submissions by Oct. 19 th)	Adam	09/17/20	900-9-3-36.1	Noyac
Michael Scarola & Jacqueline Cress (written submissions by Dec. 7 th)	Keith	10/05/20	900-261-3-10	Hampton Bays
Almonds, LLC (written submissions by Sept. 21 st)	Brian	08/20/20	900-9-2-66	Noyac