

# TOWN OF SOUTHAMPTON

CHAIRPERSON  
ADAM GROSSMAN

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  
June 6, 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](http://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**

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### MINOR VARIANCE REVIEW

### SCTM - HAMLET

None scheduled for this meeting

### NEW APPLICATIONS

### SCTM – HAMLET

1. **Tiana Bay Apartment Owners, Inc.** Brian 900-320-1-9.1 Hampton Bays  
50 Rampasture Road  
Applicant requests relief from the following provisions of the Town Code: (i) §330-155E (conversion to residential condominium or residential cooperative) to allow 59 of 60 pre-existing nonconforming units to have a floor area of less than 600 square feet; (ii) For the deck around the gazebo: §330-83A(4) (yards) to allow an existing deck higher than 1 foot above the ground to remain within the required front yard; (iii) For the gazebo: §330-11 (residential districts table of dimensional regulations) to allow an existing gazebo to have a setback of 14.9 feet where 70 feet is required, §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the gazebo to remain within the required front yard; (iv) For the wood deck on the west side of the "Bay Front" building: §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required and for an accessory front yard setback of 55.7 feet where 70 feet is required, relief from §330-83A(4) to allow a deck higher than 1 foot above the ground to remain within the required front yard; and (v) To legalize the wood deck on the east side of the "Bay Front" building: §330-11 for an accessory side yard setback to 18.3 feet where 20 feet is required and any other relief necessary.

**NEW APPLICATIONS – (continued)**

**SCTM – HAMLET**

2. **Dean Isidro** Michael 900-26-1-45 Sag Harbor  
1 Lily Pond Drive  
Applicant requests the following relief on a nonconforming lot: 1. For the proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 14.8 feet where 110 feet is required, (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 of the principal building, and 2. §330-109A(1) (fences, walls, accessory driveway structures, and clotheslines) to allow a 6-foot stockade fence to be constructed within the required front yard on a nonconforming lot. In addition, applicant requests a determination as to whether or not the proposed shed 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.
  
3. **Ethel Wanser (Doris Bagley, Fiduciary)** Cornelius 900-23-1-6 Noyac  
26 Breezy Drive  
Applicant requests a determination that the subject parcel SCTM# 900-23-1-6 is held in single and separate ownership from the all adjacent parcels and thus entitled to relief pursuant to §330-115D(3) and any other relief necessary.
  
4. **Ethel Wanser (Doris Bagley, Fiduciary)** Cornelius 900-23-1-14 Noyac  
65 Island View Drive  
SCTM# 900-23-1-14. Applicant requests a determination that the subject parcel SCTM# 900-23-1-14 is held in single and separate ownership from the all adjacent parcels and thus entitled to relief pursuant to §330-115D(3) and any other relief necessary.
  
5. **Theresa McNamara** Keith 900-260-1-38 Hampton Bays  
4 Maple Street  
Applicant requests relief from the following provisions of the Town Code: 1. To legalize the location of the frame shed on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 34.5 feet where 50 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 remain within the required front yard; 2. To legalize the location of the pool equipment: §330-77G (placement of accessory buildings, structures and uses in residence districts) for a side yard setback of 4.3 feet where 10 feet is required; 3. To legalize the location of the hot tub: §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the hot tub to remain within the required minimum and total side yard for the principal building; 4. For proposed one-story addition to the existing dwelling: §330-115C (continuance) for a principal rear yard setback of 19.7 feet where 30.3 feet is existing; and 5. To legalize a six-foot high fence located in the required front yard: §330-109A(1) (fences, walls, accessory driveway structures, and clotheslines) to allow the six-foot high fence to remain in the required front yard where a maximum of four feet is permitted and any other relief necessary.

**NEW APPLICATIONS – (continued)**

**SCTM – HAMLET**

6. **Anthony & Deborah Tarsitano** Brian 900-26-2-97.1 Bridgehampton  
1599 Sagg Road  
Applicant requests relief from the following provisions of the Town Code for a proposed detached garage: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 70 feet where 110 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 garage to be located within the required front yard of the principal building on a nonconforming lot and any other relief necessary.
7. **Robert Dankner & Maude Davis** Jason 900-60-3-16.1 North Sea  
1 Old Fish Cove Road  
Applicant requests relief from the following provisions of the Town Code for a proposed detached garage: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 40 feet where 70 feet is required from the Northerly lot line (Noyack Road) and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the proposed garage to be located within the required front yard of the principal building on a nonconforming lot and any other relief necessary.
8. **Ira & Linda Freidband** Helene 900-173-2-6.9 Hampton Bays  
16 Bettina Court  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal side yard setback of 11.4 feet where 20 feet is required to legalize a carport and an accessory side yard setback of 16 feet where 20 feet is required to legalize the location of the shed and any other relief necessary.
9. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders  
90 Old Quogue Road  
Applicant appeals the decision of the Chief Building Inspector, dated March 27, 2018 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that, he was in error in refusing to issue an updated Certificate of Occupancy to certify that an Auto Repair Business was in operation and open to the public at the subject property prior to 1957 and any other relief necessary.

**MODIFICATION REQUEST**

10. **The Patricia A. Bencardino Trust** Michael 900-33-1-80 North Sea  
88 Peconic Hills Drive  
On May 20, 1999 by decision number D10344, this Board granted the applicant a rear yard coverage of 24% for a proposed tennis court. By letter dated May 13, 2019, Kieran Pape Murphree, attorney for the applicant, submitted a letter requesting that said decision be modified to correct an error with respect to the rear yard coverage calculation.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
June 6, 2019  
Page 4 of 5**

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**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 5/16/19 meeting:**

11. **William Perino** (appl. 1900059) Cornelius 900-123-3-19 Flanders  
12 Nash Road  
Applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback of 17 feet where 21.5 feet is existing for a proposed covered stoop and §330-84D (pyramid height) for an encroachment in the amount of 3,694 cubic feet for a proposed 2<sup>nd</sup> story addition to the existing dwelling on a nonconforming lot and any other relief necessary.

**Held over from the 5/16/19 meeting:**

12. **Kevin Mance & Janet Rost-Mance** (appl. 1900055) 900-51-1-20.1 Bridgehampton  
570 Lumber Lane Adam  
On May 16, 2013, by decision number D013185, this Board granted the applicants variance relief for an addition to an existing shed and relief for the conversion of a barn into an accessory apartment. The relief is granted was conditioned on the applicants and/or any future owner of the subject property removing the second driveway (for the inhabitants of the existing accessory apartment) within one year of the date of this decision, and obtaining all required approvals for parking for the existing accessory apartment from the Southampton Town Building Department. By letter dated April 10, 2019, Kevin Mance has requested that the Board modify said decision to allow the second driveway to remain in its current location. This application was re-opened and is being advertised for further discussion.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

625 Butter Lane Homestead, LLC (written submissions)	Brian	03/21/19	900-51-1-17.7	Bridgehampton
Sean King (written submissions)	Brian	05/02/19	900-65-2-3.55	Water Mill
Charles DiFalco	Jason	05/16/19	900-340-2-6	East Quogue

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
June 6, 2019  
Page 5 of 5**

<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Doris Olsen (written submissions)	Brian	05/16/19	900-265-5-29	Hampton Bays
Francesca Carolyn Abbracciamento	Michael	05/16/19	900-5-5-26	Noyac
Bill Bitis & Stephanie Bitis	Brian	05/16/19	900-16-2-50	Noyack
Diane Christopher (written submissions)	Michael	05/16/19	900-3-2-10	Noyack
LI Automobile Collectors, LLC (written submissions)	Cornelius	05/16/19	900-131-1-7.1	North Sea/Tuckahoe
Susan J. Wolfersdorf & Edward Wolfersdorf	Brian	05/02/19	900-344-1-28	East Quogue
Jeffrey Sadowski (written submissions)	Jason	04/04/19	900-112-2-31	North Sea