

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
September 5, 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. **Commissioners of the Southampton Ambulance District** (app# 1900118)
1256 North Sea Road Brian 900-986-3-3.1. North Sea
Applicant requests relief from the following provisions of the Town Code for a proposed ambulance facility: (i) §330-162.18(A) (Hamlet Office/Residential and Hamlet Commercial/Residential building size) to allow the proposed building to be 8,600 square feet where a maximum of 6,000 square feet is permitted and (ii) §330-162.18A(1) relief from the hamlet office regulations requiring that one apartment be constructed for every 1,000 square feet, or portion thereof, greater than 3,000 square feet of additional building space, where applicant proposes a building of approximately 8,600 square feet and no apartment(s) and any other relief necessary.
2. **Go Key Realty Consulting Ltd.** (appl. 1900111) 900-376-2-16.2 Westhampton
75A Baycrest Avenue Cornelius
Applicant requests relief from the following provisions of the Town Code for the location of a proposed swimming pool on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 10 feet where 20 feet is required and an accessory rear yard setback of 10 feet where 20 feet is required and (ii) §330-77C (placement of accessory buildings, structures and uses in residence districts) for a proposed rear yard coverage of 36% +/- and any other relief necessary.

NEW APPLICATIONS – Continued

SCTM – HAMLET

3. **PAD Construction, LLC.** (appl. 1900112) Jason 900-253-1-8 Hampton Bays
6 North Jones Road
Applicant requests relief from the following provision of the Town Code for a proposed two-lot subdivision: (i) §330-11 (residential districts table of dimensional regulations) for a lot width of 103.82 feet where 120 feet is required for proposed Lot 1 and a lot width of 118.67 feet where 120 feet is required for a proposed Lot 2; and (ii) §330-82 (lot width) to allow proposed Lot 2 to have a flag pole width of 16 feet where a minimum road frontage of 20 feet is required and any other relief necessary.

4. **CAPN, LLC,** (appl. 1900113) Cornelius 900-315-3-30.1 East Quogue
8 Vail Avenue
Applicant requests relief from the following provisions of the Town Code for a proposed two-lot subdivision: (i) §330-11 (residential districts table of dimensional regulations) for a lot width of 119.34 feet where 120 feet is required for proposed Lot 1; and (ii) §330-82 (lot width) to allow proposed Lot 1 to have a flag pole width of 16 feet where a minimum road frontage of 20 feet is required and any other relief necessary.

5. **Craig & Kerri Arm** (appl. 1900114) Jason 900-371-1-35.1 Quogue
801 Montauk Highway
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 1,474 cubic feet and §330-83K (yards) for a principal rear yard setback of 10.8 feet where 35 feet is permitted; all for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

6. **Lidia Chaplynsky** (appl. 1900115) Keith 900-9-1-34 Noyac
74 Cliff Drive
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 1,926 cubic feet and Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 9.6 feet where 10 feet is required for a proposed 2nd story addition to an existing dwelling on a nonconforming lot and any other relief necessary.

7. **Mary C. McDonald** (appl. 1900116) Adam 900-158-1-18.1 Tuckahoe
431 Magee Street
SCTM# 900-158-1-18.1. Applicant requests a determination as to whether or not the proposed two-story accessory building (art studio) 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 Town Code §330-77C (placement of accessory buildings, structures and uses in residence districts) to allow the height of the proposed building (art studio) to be 34 feet where a maximum of 20 feet is permitted and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

8. **Willow Square, LLC** (appl. 1900098) Michael 900-129-2-38.2 Tuckahoe
7 Sebonac Road
Applicant requests relief from Town Code §330-83G(1)(a) (yards) for a transitional side yard setback of 30 feet where 50 feet is required for a proposed storage garage. In addition, applicant requests a determination as to whether or not the proposed storage 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 cottages and its use and any other relief necessary.

MODIFICATION REQUEST

SCTM – HAMLET

9. **Ruben Gutierrez** (app# Adam 900-323-1-8 Hampton Bays
1A Pine Street
On March 21, 2019, by decision number D019032, this Board found that the subject property is a single and separate parcel and entitle to relief pursuant to Town Code §330-115D. In addition, this Board granted relief to allow a one-story, single family dwelling to be constructed in the Resort and Waterfront Business (“RWB”) Zoning District and a principal front yard setback, minimum side yard setback and total side yard setback for the proposed dwelling. By letter dated August 8, 2019, the current owner, Ruben Gutierrez, is requesting to modify the aforementioned decision to replace the approved plans with new plans and elevations for a proposed two-story dwelling.

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 08/01/19 meeting:

10. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders
90 Old Quogue Road (appl. 1900070)
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.

Held over from the 08/01/19 meeting:

11. **Edward Broidy** (appl. 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.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19 and the 7/18/19 meeting:

12. **JTEN Holdings, LLC** (appl. 1800093) Keith 900-231-1-32 Hampton Bays
293 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard and allow the pre-existing motel parking to remain 3 feet from the side yard where a 50 foot transition yard is required; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow the parking area to be located 3 feet from the northerly property line where 10 feet is required; 0 feet from the northeasterly property line (where parking spaces cross into Edgewater parking lot) where 10 feet is required; and 3 feet from the westerly property line where 10 feet is required; (iii) Town Code §330-100F(1) (exemptions and waivers of parking and truck loading space requirements) to allow parking area to be located on adjoining sites as required for parking spaces #20 (and Edgewater #1); and (iv) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the Edgewater property, where accessory structures are to be located on the subject property. Applicant also requests relief from the following provisions of the Town Code to allow the conversion of an existing two story motel into housing for restaurant employees: (i) Town Code §330-76C (placement of accessory buildings, structures and uses in all districts) to allow an accessory building, structure, or use, on an adjacent lot to allow proposed restaurant employee housing for the principal restaurant on site and Edgewater restaurant; (ii) Town Code §330-154B (Housing for restaurant employees) to allow the proposed employee housing to be located on the site of the restaurant detached from the principal building; (iii) Town Code §330-154C to allow an existing side yard setback of 39.3 feet on the west and 15 feet on the east where a minimum setback of 50 feet is required; (iv) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (v) Town Code §330-154G to allow four two-bedroom motel units to be used as employee housing for four employees on a nonconforming lot and any other relief necessary.

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19 and the 7/18/19 meeting:

13. **295 Montauk Highway, Inc.** (appl. 1800094) Keith 900-231-1-31 Hampton Bays
295 East Montauk Highway
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard where 17 feet is existing on a nonconforming lot; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow parking spaces #1-12 to be located 3 feet from the rear property line (north) where 10 feet is required; 0 feet from the side (northwesterly) property line where 10 feet is required; and 2.5 feet from the easterly property line; (iii) Town Code §330-78 to allow parking space #28 to be located 3 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-100(F)(1)(exemptions and waivers of parking and truck loading space requirements) to allow a parking area (subject to Planning Board approval) to be located on the subject premises and the adjoining site to the west; and (v) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the parcel to the west, where accessory structures are to be located on the subject property and any other relief necessary.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19 and the 7/18/19 meeting:

14. **JTEN Properties, LLC** (appl.1800095) Keith 900-231-1-30.1 Hampton Bays
5 South Valley Road
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 21.3 feet (spaces #20-22) from the northerly property line and 3.2 feet from the northwest corner property line where a 50 foot transition yard is required; (ii) Town Code §330-83G(2)(a) to allow a front transitional yard of 19.5 feet where 20 feet is required granted by the ZBA (this looks like 20 on the survey); (iii) Town Code §330-100F(1) and Town Code 330-78 (placement of accessory buildings and uses in nonresidential districts) to allow 10 (spaces #35-44) parking spaces from the adjacent property to the west to be located 0 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-167A to allow the extension of the Motel Zoning District line 47.95 feet into the more restrictive Residential-40 Zoning District to allow the premises to be zoned Motel; (v) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (vi)Town Code §330-154G to allow two units for employee housing for two employees on a nonconforming lot and any other relief necessary.

Held over from the 10/18/18 meeting; Re-Opened 3/21/19 and adjourned to 5/2/19; Held over from the 5/2/19 meeting; adjourned from the 8/1/19 meeting:

15. **KTB Flying Point Revocable Trust** (appl. 1800127)
500 Flying Point Road Keith 900-160-1-26 Water Mill
Applicant requests relief from the following provisions of the Town Code for a proposed carriage house on a lot where a single family dwelling and apartment exist: (i) §330-167B(1)(a) and §330-167B(1)(d) (specific types of variances) for the expansion of a nonconforming use; (ii) §330-9D(4) (density incentive provisions) to allow a carriage house to constructed on a lot where two dwelling are existing; (iii) §330-9D(4) for a waiver of one or more development right or PBC; (ii) §330-9D(4)(c) to allow a rear yard setback of 24 feet where 50 feet is required; (iii) §330-9D(4)(e) (height) to allow the proposed carriage house to be 26 feet 3 3/8 inches where a maximum of 24 feet is permitted and any other relief necessary.

Held over from the 7/18/19 meeting; adjourned from the 8/15/19 meeting:

16. **Andes, Inc.** (appl. 1900087) Michael 900-190-1-29 Hampton Bays
15A Oakhurst Road
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 8,356.755 cubic feet for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 6/20/19 and the 8/1/19 meeting:

17. **Maria C. Del Rosso** Keith 900-176-1-3.2 Shinnecock Hills
87 Inlet Road West

Applicant requests relief from the following provisions of the Town Code: 1. To legalize an existing deck on grade constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of zero feet where 10 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 and total side yard of the principal building; 2. To legalize a shed constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 0.5 feet where 10 feet is required, (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 minimum and total side yard of the principal building, and (iii) §330-84D (pyramid height) for an encroachment in the amount of 336 cubic feet; 3. To legalize an outdoor shower constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 0.5' +/- feet where 10 feet is required, (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the outdoor shower to remain within the required minimum and total side yard of the principal building, and (iii) §330-84D for an encroachment in the amount of 223 cubic feet; 4. For a proposed addition to the southeast corner of the existing dwelling; §330-84D for a proposed encroachment in the amount of 680 cubic feet; 5. For a proposed addition to the southwest corner of the existing dwelling: §330-84D for a proposed encroachment in the amount of 1,960 cubic feet; and 6. For a proposed covered porch: §330-115C (continuance) for a principal rear yard setback of 8.3 feet where 14.3 feet is existing on a nonconforming lot and any other relief necessary.

Held over from the 8/1/19 meeting; adjourned from the 8/15/19 meeting:

18. **Giulliana Albarracin** (appl. 1900095) Brian 900-145-1-19 Flanders
192 Brookhaven Avenue

Applicant requests relief from the following provisions of the Town Code to legalize the construction of an accessory apartment within the main dwelling on a nonconforming lot: (i) §330-11.2(F) (accessory apartment special standards) to allow an accessory apartment to be located on a lot that has a lot area of less than 20,000 square feet; (ii) §330-11.2(F) for lot area of 15,000 square feet where 32,000 square feet is required (70% of 40,000 square feet); and (iii) to allow the accessory apartment to be 73% of the total floor area of the principal dwelling and any other relief necessary.

19. **SEQRA – LEAD AGENCY RESOLUTION**

SCTM – HAMLET

PMG LI, LLC Keith 900-256-1-1 Hampton Bays

Motion: _____

2nd: _____

In Favor: _____

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
September 5, 2019
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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Joseph F. Ceravolo (written submissions from neighbors by Aug. 16 th and from Timothy McCulley by Aug. 28 th)	Adam	08/01/19	900-259-2-12	Hampton Bays
9 Hobart Lane, LLC (written submissions)	Cornelius	08/15/19	900-383-2-13	Quogue
Eric & Tara Belfi (written submissions)	Brian	08/15/19	900-155-1-63	Tuckahoe
Frank Franzese (written submissions)	Cornelius	08/15/19	900-378-1-5	Quogue
Jon Stanat	Cornelius	08/15/19	900-377-1-36	Quogue
Daniel Edward Warner (written submissions)	Jason	08/15/19	900-340-1-32	East Quogue
Robert & Catherine Canberg	Jason	08/15/19	900-369-1-59	Remsenburg
Henry & Loretta Vigilante (written submissions)	Adam	07/18/19	900-382-1-56	Westhampton
Maria & Michael Rothstein (written submissions)	Helene	05/16/19	900-345-2-1	Hampton Bays