

# 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  
October 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](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**

1. **Linda S. Batiencana** (app# 1900140) Brian 900-9-2-13 Noyac  
46 Ridge Drive  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 24.1 feet where 30 feet is required and total lot coverage of 25.1% where a maximum of 20% is permitted; all for a proposed screened porch addition to an existing dwelling and any other relief necessary.

### **NEW APPLICATIONS**

### **SCTM – HAMLET**

2. **Julian 1, LLC** (app# 19001378) Keith 900-134-5-51 Bridgehampton  
79 Surfside Drive  
Applicant requests relief from the following provisions of the Town Code: (i) §138-17(C)&(D) (non-conforming buildings and structures) for the construction of a deck located seaward of the Coastal Erosion Hazard Line; (ii) §330-46 (B)(1) (adjacent areas) for the construction of a deck located 63.7 feet from the crest of the dune where 125 feet is required and the construction of a dwelling with balconies located 73.1 feet from the crest of the dune where 125 feet is required; (iii) §330-84(E) (height) as it relates to §330-11 (residential districts table of dimensional regulations) for a proposed dwelling on a nonconforming lot with a height of 44 feet above mean sea level where 42 feet is permitted and any other relief necessary.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

3. **Susan Barbieri Berger** (app# 1900139) Michael 900-5-5-20 Noyac  
35 Chestnut Street  
Applicant requests relief from the following provisions of the Town Code for a proposed 1-story addition to an existing dwelling on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 24.4 feet where 30 feet is required and a total lot coverage of 25.8% where a maximum of 20% is permitted and (ii) §330-84(D) (pyramid height) for an encroachment in the amount of 72 cubic feet and any other relief necessary.
  
4. **Field's Edge House, LLC** (app# 1900141) Jason 900-82-1-8.10 Water Mill  
123 Narrow Lane South  
Applicant requests relief from Town Code §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the existing swimming pool and deck to be located within the required total side yard for the principal building as a result of a proposed addition which will attach the detached garage to the existing dwelling on a nonconforming lot and any other relief necessary.
  
5. **Thomas R. Stachecki Living Trust** (Michael K. Marion & Bobbie Lynn Grund – applicants)  
1205 Majors Path (app# 1900137) Brian 900-78-1-20.1 North Sea  
Applicants appeals the issuance of Pre-existing Certificate of Occupancy No. C190097, dated April 2, 2019, for the “[p]re-existing nonconforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris)” and any other relief necessary.
  
6. **Antonio Vendome** (app# 1900142) Adam 900-31-1-40 North Sea  
17 East Shore Drive  
Applicant requests relief from the following provisions of the Town Code for a proposed elevated glass skylight located in the center of the roofline of the dwelling: (i) §330-11 (residential districts table of dimensional regulations) to allow the proposed skylight to be at a height of 34'-5"+/- where a maximum height of 32 feet is permitted and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 75.52 cubic feet and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

7. **Jasper Rose, LLC** (app# 1900131) Cornelius 900-134-5-29 Bridgehampton  
97 Sandpiper Lane  
Applicant requests relief from Town Code §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the existing swimming pool and deck to be located within the required total side yard for the principal building as a result of a proposed first and second floor addition to the existing dwelling on a nonconforming lot and any other relief necessary.

**READVERTISED APPLICATIONS (continued)**

**SCTM – HAMLET**

8. **Michael Picozzi** (app# 1900126) Cornelius 900-105-2-37 Bridgehampton  
857 Ocean Road  
Applicant requests a determination that the subject parcel SCTM# 900-105-2-37 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.

**MODIFICATION REQUEST**

9. **Daniel Rosenblum** 900-341-1-17 East Quogue  
22 Bay Avenue  
On August 1, 2019, this Board by decision number D019096, granted the applicant a principal rear yard setback for a proposed one-story addition with attached covered porch/covered deck and relief to allow the swimming pool to be located within the required minimum side yard for the principal building. By letter dated September 27, 2019, Susanna Herrmann of En-Consultants, agent for the owner, has requested that the aforementioned decision be modified to include relief to allow the at grade patio to be located in the required side yard.

**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 10/18/18 meeting; adjourned from the 1/3/19 and the 7/18/19 meeting:**

10. **Patricia Damiecki** (appl. 1800125) Helene 900-50-1-11.1 Bridgehampton  
163 Millstone Road  
Applicant requests, a determination as to whether or not the proposed detached one-story garage with attached carport/overhang 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.

**Held over from the 09/05/19 meeting:**

11. **Craig & Kerri Arm** (appl. 1900114) Jason 900-371-1-35.1 Quiogue  
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.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 4/4/19 and the 5/2/19 meeting; adjourned from the 7/18/19 meeting:**

12. **East Quogue 535 Realty Inc.** (appl. 1900041) Keith 900-341-1-52 East Quogue  
535 Montauk Highway  
SCTM# 900-341-1-52. Applicant requests a determination as to whether or not the proposed 1,800 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) §330-30B(6) (general regulations) to allow the lot be covered with 66.4% of impervious or paved surfaces where a maximum of 60% is permitted, (ii) §330-83G(1)(b)[1] (yards) to allow the proposed convenience store to be located within the transitional rear yard at a setback of 15.97 feet where a minimum of 20 feet is required, and (iii) §330-95 (scheduled of off-street parking space requirements for nonresidential uses) to allow 8 parking spaces where a minimum of 18 parking spaces is required, (iv) §330-116 (extensions) as it relates to §330-167B(1)(a) (specific types of variances) to allow an expansion of a nonconforming use, and (v) §330-34 (business districts table of dimensional regulations) for a front yard setback of 25 feet +/- where 30 feet is required and a rear yard setback of 15.97 feet where 30 feet is required and any other relief necessary.

**Held over from the 09/05/19 meeting:**

13. **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.

**Held over from the 9/19/19 meeting:**

14. **Margaret N. Conklin Revocable Trust** (app. 1900121)  
25 Narrow Lane Michael 900-81-2-24 Water Mill  
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling on a nonconforming lot: 1. §330-11 (residential districts table of dimensional regulations): (i) for principal front yard setbacks of 25 feet from the easterly and westerly lot lines (Scuttle Hole Road & Narrow Lane), respectively, where 80 feet is required; (ii) a principal minimum side yard setback of 15 feet where 30 feet is required; (iii) a total lot coverage of 12.8% where a maximum of 10% is permitted; 2. §330-83B (yards) to allow the 2<sup>nd</sup> floor balcony project more than eight feet into the required front yard; and 3. §330-84D (pyramid height) for a proposed encroachment in the amount of 818 cubic feet. In addition, applicant requests relief from the following provisions of the Town Code for the location of the proposed swimming pool: (i) §330-11 for accessory distance from street setbacks of 25 feet from the easterly lot line (Scuttle Hole Road) and 18 feet from the westerly lot line where 90 feet is required from each lot line respectively 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 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, 7/18/19 and the 09/05/19 meeting:**

15. **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, 7/18/19 and the 09/05/19 meeting:**

16. **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, 7/18/19 and the 09/05/19 meeting:**

17. **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.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

Frank Franzese (written submissions)	Cornelius	08/15/19	900-378-1-5	Quiogue
27 Dune, LLC (written submissions)	Brian	06/20/19	900-386-2-2	East Quogue
Bernard Bailey (written submissions)	Michael	10/3/19	900-128-2-24.7	Tuckahoe
Denise Dee	Jason	10/3/19	900-15-2-69	Noyac
Patrick Bradley (written submissions)	Keith	10/3/19	900-343-1-27	East Quogue
The Harvey T. Edwards Jr. Irrevocable Trust	Adam	10/3/19	900-330-1-3.1	Westhampton
Commissioners of the Southampton Ambulance District	Brian	10/3/19	900-986-3-3.1	North Sea
97 Wild Goose Lane, LLC	Michael	10/3/19	900-103-2-28	Water Mill

**Southampton Town Zoning Board of Appeals**  
**Public Hearing Agenda**  
**October 17, 2019**  
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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Go Key Realty Consulting Ltd.	Cornelius	10/3/19	900-376-2-16.2	Westhampton
Jason and Kay Davis	Helene	10/3/19	900-186-2-2.1	Hampton Bays
Scott Jacobs and Sara Jacobs (written submissions)	Brian	10/3/19	900-27-2-17.1	North Sea
PAD Construction, LLC (written submissions)	Jason	09/05/19	900-253-1-8	Hampton Bays
CAPN, LLC (written submissions)	Cornelius	09/05/19	900-315-3-30.1	East Quogue
Old Quogue Development, LLC (written submissions by 9/11/19)	Adam	09/05/19	900-139-3-34	Flanders
On the Canal Apartment Owners Corp. (Unit #9) (written submissions)	Cornelius	09/19/19	900-258-1-8.1	Hampton Bays