

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
March 7, 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

1. **Mauricio Bittencourt** (appl. 1900026) Helene 900-46-2-39 Water Mill
24 Woodthrush Lane
Applicant requests relief from Town Code §330-115D(3) (continuance) for a proposed front yard setback of 56.4 feet where 60 feet is permitted for a proposed addition to an existing dwelling on a nonconforming lot and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

2. **Peter & Karen Gruenberg** (appl. 1900019) 900-155-1-28 Tuckahoe
109 Cold Spring Point Road Michael
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 3,227.95 cubic feet (2161.72 cf (West side) + 1066.23 cf (East side) for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.
3. **George & Christine Bertero** (appl. 1900020) 900-9-3-79 Noyac
46 Bay View Drive East Brian
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed covered entry on the North side of the existing dwelling on a nonconforming lot: §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 27.3 feet where 30 feet is required; 2. For the proposed covered entry on the East side of the existing dwelling: (i) §330-11 for a principal minimum side yard setback of 8.8 where 10 feet is required and (ii) §330-115D(1) (continuance) for a principal total side yard setback of 18.9 feet where 20 feet is permitted; 3. For the proposed garage addition to the East side of the existing dwelling: (i) §330-11 for a principal minimum side yard setback of 2.7' where 10 feet is required, (ii) §330-115D(1) (continuance) for a principal total side yard setback of 12.8 feet where 20 feet is permitted, and (iii) §330-84D (pyramid height) for a proposed encroachment in the amount of 3,005 cubic feet (175 cf (existing) + 2830 cf (proposed) and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

4. **Themistokles Kapopoulos** (appl. 1900021) Adam 900-348-2-1.2 Eastport
54 Tuttle Avenue
Applicant requests a determination as to whether or not the proposed detached garage/barn 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.

5. **Fahrettin Ozdemir** (appl. 1900022) Cornelius 900-316-1-29 East Quogue
430 Montauk Highway
Applicant requests relief from Town Code §330-11.2G(1) (accessory apartment special standards) to allow the total floor area of a proposed accessory apartment to be 39.6% +/- of the principal dwelling where a maximum of 35% is permitted and any other relief necessary.

6. **Barbara Seibert Vietri & John G. Siebert** (appl. 1900023) 900-323-1-8 Hampton Bays
1A Pine Street Brian
Applicant requests a determination that the subject parcel SCTM# 900-323-1-8 is held in single and separate ownership from all adjacent parcels. In addition, applicant requests relief from the following provisions of the Town Code for a proposed one-story dwelling: 1. §330-30 (General Regulations) as it relates to §330-33 (business districts table of use regulations) to allow a one-story, single family dwelling to be constructed on a nonconforming lot in the RWB (Resort Waterfront Business) Zoning District where a new 1-family detached dwelling is prohibited, and 2. §330-34 (business districts table of dimensional regulations for the following setbacks: (i) a principal front yard of 30 feet where 60 feet is required, (ii) a principal rear yard setback of 32 feet where 50 feet is required, (iii) a principal minimum side yard setback of 15 feet where 50 feet is required, (iv) a principal total side yard setback of 30 feet where 100 feet is required and (v) a principal total side yard setback of 30 feet where 100 feet is required and any other relief necessary.

7. **Rush Development, LLC** (appl. 1900025) Jason 900-359-4-54 Quogue
133 South Country Road
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed portico cochere addition to the South side of the existing dwelling and a proposed covered porch addition to the West side of the existing dwelling on a nonconforming lot: (i) §330-115D(1) (continuance) for a principal minimum side yard setback of 12 feet where 13.6 feet +/- is permitted and (ii) a principal total side yard setback of 30.5 feet where 34 feet +/- is permitted; 2. For the proposed stairway on the North side of the existing dwelling: §330-83(D) (yards) to allow the stairway to encroach feet into a yard where a maximum of four feet is permitted; 3. For the proposed tennis court: §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 12 feet from the Southerly lot line where 20 feet is required and an accessory side yard setback of 12.4 feet from the Northerly lot line where 20 feet is required; and 4. §330-11 for a total lot coverage of 25.2% where a maximum of 20% is required and any other relief necessary.

8. **Richard E. McManus** (appl. 1900024) Helene 900-187-1-33 Hampton Bays
5 The Trail
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 distance from street setback of 35 feet from the Westerly lot line (The Trail) 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 garage to be located within the required front yard and the required minimum side yard for the principal building and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

Held over from the 7/5/18 meeting; adjourned from the 9/20/18 and the 11/15/18 meeting; Re-Opened 3/7/19:

9. **KAARP Management Group, LLC** (appl. 1800076) 900-346-1-10 Hampton Bays
17 Ludlow Lane Helene
Applicant requests relief from the following provisions of the Town Code for the location of a proposed swimming pool: (i) 330-115D(3) (continuance) for an accessory front yard setback of 14 feet from Ludlow Lane 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 proposed swimming pool to be located within the required front yard on a nonconforming lot and any other relief necessary. This application has been re-opened for further discussion as requested by the owner.

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 01/17/19 meeting:

10. **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.

Held over from the 11/1/18 meeting and adjourned from the 1/17/19 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.

Held over from the 2/7/19 meeting:

11. **160 Riverside, LLC** (appl.1900010) Adam 900-143-1-41 Flanders
160 Riverside Avenue
Applicant requests relief from the following provisions of the Town Code: 1. To legalize an addition to the existing dwelling constructed without the benefit of a building permit on a nonconforming lot: (i) §330-84D (pyramid height) for an encroachment in the amount of 4,198 cubic feet (1,236 cf pre-existing (west side) + 2,882 cf (addition - west side) + 80 cf pre-existing (east side) and (ii) §330-11 (residential districts table of dimensional regulations) for total lot coverage of 21% where a maximum of 20% is permitted and any other relief necessary.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 10/18/18 meeting and the 1/17/19 meeting:

12. **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), (ii) 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 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.

SEQRA RESOLUTION (Only)

SCTM – HAMLET

13. **Konner Friedlander Gateway 1, LLC** (appl. 1900002) 900-84-1-15, 16.2 & 16.8
2037, 2045 & 2071 Montauk Highway Brian Bridgehampton

Motion: _____
2nd: _____
In Favor: _____
Opposed: _____

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
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DECISIONS

DATE CLOSED

SCTM – HAMLET

Diane Howe (written submissions by 3:00 p.m. on Feb. 22 nd)	Keith	02/07/19	900-87-2-41	Bridgehampton
Southampton Day Camp Realty LLC (Change of Use) (written submissions by 12/13/18)		11/01/18	900-97-3-17.1	North Sea
325 Mecox, LLC (written submissions)	Brian	02/21/19	900-103-1-25.2	Water Mill
Diane Anderson (written submissions)	Jason	02/21/19	900-76-5-25	North Sea
Estate of Clifford Foster (written submissions)	Brian	12/6/18	900-36-1-4.2	Bridgehampton