

# TOWN OF SOUTHAMPTON

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 17, 2022

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](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. **192 Hampton Bays Realty LLC.** (app# 2200016)                      900-221-3-17     Hampton Bays  
192 West Montauk Highway                      Keith  
Applicant requests relief from the following provisions of the Town Code for a proposed Monument Sign: (i) §330-205(B)(2) (General provisions) for a proposed front setback of 6 feet where 20 feet is required; (ii) §330-205(B)(5) and §330-206(B) for a proposed area of 48 square feet where a maximum of 32 square feet is permitted; (iii) §330-207(A) (Illuminated signs) to allow the spacing between fixtures to be 18" and 32" where a minimum of four feet is required; and (iv) §330-210.1(B)(Design guidelines) to allow six colors to be used where a maximum of three colors is permitted and any other relief necessary.
2. **Paul McCormick** (app# 2200017)                      Cornelius                      900-76-4-33     North Sea  
86 Bay Avenue  
Applicant requests relief from the following provisions of the Town Code for the proposed conversion of an existing dwelling into an Accessory Apartment: (i) §330-11(G)(1) (Special Standards) to allow the size of the accessory apartment to be 38% of the total floor area of the principal dwelling where a maximum of 35% is permitted; and (ii) §330-11(J)(1) to allow for two access driveways where only one access driveway is permitted on a lot having an accessory apartment; and (iii) 2. For an existing garage/studio §330-11.2(F) for a side yard setback of 3.7 feet where 5.6 feet is permitted. In addition applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 3.7 feet where 8 feet is required for the existing garage/studio and any other relief necessary.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

3. **110 Guyer, LLC** (app# 2200020)                      Robert                      900-49-1-3.3                      Bridgehampton  
110 Guyer Road  
Applicant requests relief from the following provisions of the Town Code for a proposed 55' x 114' tennis court: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street (front yard) setback of 45 feet where 90 feet is required and an accessory side yard setback of 22.5 feet where 30 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 tennis court to be located within the required front yard and the required minimum side yard for the principal building and any other relief necessary.
  
4. **Carleton Gibson and Kaia Heimarck** (app# 2200021)                      Helene                      900-92-3-13                      North Sea  
96 Island Creek Road  
Applicant requests relief from the following provisions of the Town Code for the existing shed on a nonconforming lot: (i) §330-84D (Height/Pyramid) for a pyramid encroachment of the amount of 41.66 cubic feet on the West side of the property; (ii) §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 required front yard and minimum side yard for the principal building; and (iii) §330-115 D(5) (Continuance) for an accessory side yard setback of 5.2 feet where 10 feet is required and any other relief necessary.
  
5. **Three Sticks. Q, LLC** (app# 2200018)                      Susan                      900-117-1-11                      Bridgehampton  
111 Quimby Lane  
Applicant requests relief from the following provisions of the Town Code for a proposed carriage house: (i) §330-9D(4) (density incentive provisions) to waive the transfer of one or more development right(s) or PBC to the site and (ii) Town Code §330-9D(4)(h) to allow two-driveways where only one driveway is permitted. In addition, applicant requests relief from Town Code §330-77A (placement of accessory buildings, structures and uses in residence districts) as it relates to §330-94 (Schedule of Off-Street Parking Space Requirements for Residential Uses) to allow an additional two (2) off-street parking spaces to be located within the required front yard (a maximum of 9 spaces is permitted - eleven (11) spaces are being proposed) and any other relief necessary.
  
6. **1240 Ocean, LLC** (app# 2200019)                      Michael                      900-134-4-29.9                      Bridgehampton  
1240 Ocean Drive  
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling: §330-11 (residential districts table of dimensional regulations) for: (i) a principal front yard setback of 67.1 feet to the proposed dwelling where 80 feet is required; (ii) a principal front yard setback of 64.6' to the covered front porch on the east side of the dwelling where 80 feet is required; and (iii) a principal front yard setback 65.2 feet to the covered terraces on the south side of the proposed dwelling where 80 feet is required; 2. For the proposed swimming pool: (i) §330-11 for an accessory distance from street setback (front yard) of 42 feet where 90 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 in the required front yard; and 3. For the proposed accessory building (pool house): §330-11 for an accessory distance from street setback (front yard) of 40 feet where 90 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 accessory building (pool house) to be located in the required front yard and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

7. **Barbara A. Marks Revocable Trust** 900-342-2-12 East Quogue  
8 Halsey Avenue  
Applicant request relief from the following provisions of the Town Code: 1. For a proposed carport on a nonconforming lot: §330-84D (pyramid height) for an encroachment in the amount of (+/-) 98.7 cubic feet; and §330-115C (continuance) for a principal minimum side yard setback of 8.1' where 12.8' is existing and a principal total side yard setback of 20.9 where 33.6' is existing; 2. To legalize the roof over wood deck on the Westerly side of the dwelling: §330-115C (continuance) for a principal total required side yard of (+/-) 29.8' where 33.6' is existing; 3. To legalize the roof over front stoop: §330-11 (residence districts table of dimensional regulations) for a required front setback of (+/-) 35' where 40' is required; and 4. To legalize the shed constructed without the benefit of a building permit: §330-11 (residence districts table of dimensional regulations) for an accessory rear setback of 0.2' where 10' is required and §330-84D (pyramid height) and any other relief necessary.

**Re-advertised from the 12/02/21 and 02/17/22 meetings:**

8. **Daniel Beller** (app# 2100117) Michael 900-101-3-53.4 Water Mill  
280 Deerfield Road  
Applicant requests relief from the following provisions of the Town Code for the proposed conversion and expansion of an existing garage into a carriage house: 1. §330-9D(4) Town Code §330-9(D)(4) to waive the transfer of one or more development right(s) or PBC to the site; 2. §330-9D(4)(a) to allow a lot area of 61,040 square feet where 120,000 is required; and 3. §330-9D(4)(c) (Density incentive provisions): (i) for a proposed front yard setback of 68.1 feet where 147 is required; and (ii) for a proposed side yard setback of 23.1 feet where 30 feet is required.

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 12/02/21 and the 01/20/22 meeting:**

9. **Nicholas & Luz Kardaras** Cornelius 900-26-1-86 Sag Harbor  
30 Laurel Lane  
Applicant requests relief from 330-6 that references 330-11, Residence Districts Table of Dimensional Regulations, for Front Yard for a Proposed Covered Entry Porch from the required 100' to 24', 29.9' is existing front yard. Rear Yard relief for a Proposed Addition from the required 100' to 22.6', 25.5' is existing rear yard. Additionally, relief is requested from 330-11 for Distance From Street for a proposed pool house from the required 110' to 56.2', and Distance From Street for a proposed pool from the required 110' to 34.8'.

**SCOPING SESSION**

**SCTM – HAMLET**

None scheduled for this meeting

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 02.03.22 meeting:**

10. **Kim R. Lester** (app# 2200006) Adam 900-323-5-9 Hampton Bays  
17 Alanson Lane  
Applicant requests relief from Town Code §330-31D (Maximum number of uses) to allow a second use (Boat Yard - Dry Boat Storage) on the subject property where only one use for every 40,000 square feet of lot area is permitted (the subject property currently has a pre-existing one-story dwelling). In addition, applicant requests relief from the following provisions of the Town Code for the dry boat storage: 1. §330-34 (business district table of dimensional regulations)(i) for a principal rear yard setback of 20 feet where 50 feet is required, (ii) for a principal minimum side yard setback of 20 feet where 50 feet is required and (iii) for a principal total side yard setback of 70 feet where 100 feet is required; and 2. §330-126 (boatyard) to allow the dry boat storage to be located at a setback of 45' +/- where 50 feet is required from any residential district and any other relief necessary.

**Held over from the 01/20/22 meeting:**

11. **9-11 Flanders Road, LLC** (app# 2100148) Adam 900-138-2-31 & 32 Riverside  
9 & 11 Flanders Road  
Applicant requests an interpretation that the proposed 3,024 square foot convenience store is a customary accessory use to the proposed gasoline station at the subject premises or relief from §330-167 (Special Types of Variances) and §330-31B (Maximum number of uses) for an use variance. In addition, applicant requests relief from the following provisions of the Town Code: 1. For the proposed Gas Station on a nonconforming lot: (i)§330-34 (Business Districts Table of Dimensional Regulations) for a principal front yard setback of 30.6' (Flanders Rd) 39.9' (Riverleigh Ave) where 50' is required; (ii) §330-132A (Filling Station) to allow a lot area less than 40,000 sq. ft, and a frontage of less than 200' along a collector street and secondary highway; (iii) §330-132B (Filling station) for a distance of 320' (Peconic River) where 500' is required; (iv) §330-132E for pumps to be located 39.8' from Flanders Road and 49.1' from Riverleigh Avenue and where a distance of 50' is required; (i) §330-83H (Yards) for off street parking in front yard (Riverleigh Ave. and Flanders Rd); 2. For the proposed Grocery store: (i)§330-34 (Business Districts Table of Dimensional Regulations) for a principal rear yard setback of 39.1' where 50' is required; (ii) for a principal side yard setback of 10' where 50' is required; (ii) §330-84 (Pyramid) an encroachment of 3,109.6 cubic feet on the South side of the property; (iii) §330-33 (Business Districts Table of Use Regulations) for a proposed convenience store use that is not permitted under HB zoning district; 3. For the proposed gas station and convenience grocery store (i) §330-95 (Scheduled of Off-Street Parking Space Requirements for Nonresidential Uses) a proposed total of 36 parking stalls where a total 55 is required (29 parking spaces required for the 6 pumps and 31 for the grocery store); (ii) §330-99G (Design requirements for nonresidential parking and truck loading areas) a total of 2 handicap spaces where 3 handicap spaces are required; §330-103 (Corner Clearance) for proposed parking within 50' from the intersection of Flanders Road and Riverleigh Avenue; 4. §330-83H (1) (Yards) to allow off street parking to be located in the required front yard where off-street parking areas are not permitted within the 50 foot minimum required front yard; 5. For a proposed monument sign: (i) §330-206B (Zoning districts) and §330-205B (5) (General provisions) for a 48sq ft sign where 32 sq ft is permitted; (ii) §330-205B (1) to be located on a property where part of the building has a front set back of less than 40'; (iii) §330-207 (A) (Illuminated signs) for an internally illuminated LED price sign where only opaque background, translucent letters and symbols and white light sources is permitted; (iv) §330-210.1 (C) (Miscellaneous provisions) for a sign exceeding the required three colors; 6. For proposed wall signs: (i) §330-205A for two addition signs located on the North and East Side of the canopy where only one wall sign facing the street is allowed; (ii) §330-210.1(C) for a sign exceeding the required three colors and any other relief necessary.

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 05/20/21 meeting; and adjourned from the 8/5/21, 09/02/21, 10/07/21, 11/04/21, 12/02/21, 02/03/22 and the 02/17/22 meeting:**

12. **East Quogue 535 Realty Inc.** Keith 900-341-1-52 East Quogue  
535 Montauk Highway  
Applicant requests a determination as to whether or not the proposed 1,468 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) §330-95 (scheduled of off-street parking space requirements for nonresidential uses) to allow 9 parking spaces where a minimum of 15 parking spaces is required; (ii) §330-116 (extensions) as it relates to §330-167B(1)(a) (specific types of variances) to allow an expansion of a nonconforming use, to wit, to allow a 1,468 square foot convenience store to replace a pre-existing non-conforming 1,182 square foot building (a 24% expansion); and (iii) §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow two off-street parking spaces to be located in the front yard where no off-street parking shall be permitted in the front yard and any other relief necessary.

**Held over from the 03/03/22 meeting:**

13. **Adios Holdings, LLC** (app# 2200013) Michael 900-10-1-11 Noyac  
2 Bay Bluff Way  
Applicant requests relief from the following provisions of the Town Code for: 1. A proposed dwelling on a nonconforming lot: (i) §330-11 (Residence Districts Table of Use Regulations) for a required rear yard setback of 20 feet to the porch where 60 feet is required and a rear yard setback of 28 feet to the dwelling where 60 feet is required; (ii) §330-11 for a required front yard setback (Bay Bluff Way) of 22.6 feet to the front porch and 25.5 feet to the dwelling where 40 feet is required; (iii) §330-84D (Height/Pyramid) for a pyramid encroachment of 444.46 cubic feet on the (South side of the property); 2. for a proposed fire pit in the required front yard: a setback of 23.1 feet where 50 feet is required; 3. for a proposed spa in the required front yard: a setback of 24.1 feet where 50 feet is required; 4. for a proposed swimming pool in the required front yard: a setback of 24.1 feet where 50 feet is required; and 5. §330-103 (Corner clearance) for a portion of the dwelling located within 50 feet from the intersecting street line; and 5. For proposed accessory off street parking spaces: (i) §330-94 (Schedule of Off-Street Parking Space Requirements for Residential Uses) to allow three (3) additional parking spaces to be located within the required front yards and (ii) §330-97 (Supplemental regulations for private garages and off-street parking areas in residence districts): to allow six (6) parking spaces to be located throughout the entire property where a maximum of five (5) spaces is permitted and any other relief necessary.

**Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 01/07/21, 03/04/21, 06/17/21, 09/16/21, 12/16/21, 02/03/22 and the 03/03/22 meeting:**

14. **Tyronne Terchunian** (app# 2000064) Adam 900-355-2-18.6 Westhampton  
57 Station Road  
Applicant requests relief from the following provisions of the Town Code to legalize a one story concrete building on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 3 feet where 20 feet is required and an accessory rear yard setback of 15.2 feet where 20 feet is required; and Town Code §330-84D (pyramid height) for an encroachment in the amount of 960 cubic feet and any other relief necessary.

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20 01/07/21, 03/04/21, 06/17/21, 09/16/21, 12/16/21, 02/03/22 and the 03/03/22 meeting:**

15. **Production Holding, LLC** (app# 2000065) Adam 900-355-2-18.7 Wethampton  
61 Station Road  
Applicant requests relief from the following provisions of the Town Code: 1. For an existing two story house on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 16.7 feet where 20 feet is required to legalize the conversion of an open porch to a covered porch; 2. To legalize an addition to a one story frame barn: (i) Town Code §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required, (ii) Town Code §330-115C (continuance) for an accessory rear yard setback of 2.4 feet where 4.2 feet is existing; and (iii) Town Code §330-84D (pyramid height) for an encroachment in the amount of 2.45 cubic feet; 3. For a deck attached to the barn: (i) Town Code §330-11 for an accessory side yard setback of 0 feet where 20 feet is required, and an accessory rear yard setback of 10 feet +/- where 20 feet is required, and (ii) Town Code §330-84D for an encroachment in the amount of 3.9 cubic feet; 4. For the existing A/C unit: Town Code §330-77G (placement of accessory building, structures and uses in residence districts) for a rear yard setback of 4.7 feet where 10 feet is required; 5. To legalize the conversion of the barn to an accessory apartment: 1. Town Code §330-11.2F (accessory apartment special standards) for the following: (i) for a lot area of 21,958 square feet where 32,000 square feet is required (80% of 40,000 square feet); (ii) an accessory rear yard setback of 2.4 feet where 14 feet is required (70% of 20 feet); (iii) an accessory side yard setback of 11.1 feet where 14 feet is required (70% of 20 feet); (iv) an accessory side yard setback of 0 feet where 14 feet is required for the existing deck (70% of 20 feet); and 2. Town Code §330-11.2G(1) to allow the size of the apartment to exceed 35% of the total floor area of the principal dwelling (approximately 50%) where a maximum of 35% is permitted and any other relief necessary.

**Held over from the 07/16/20 and the 9/3/20 meeting; adjourned from the 10/15/20, 01/07/21, 03/04/21, 06/17/21, 09/16/21, 12/16/21, 02/03/22 and the 03/03/22 meeting:**

16. **Production Holding, LLC & Tyrone Terchunian** 900-355-2-18.6 & 18.7  
57 & 61 Station Road (app# 2000066) Adam Wethampton  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) to legalize a two-lot subdivision: For Lot 18.6: a lot area of 20,083 square feet where 40,000 square feet is required and a lot width of 113.97 where 120 feet is required; and For Lot 18.7: a lot area of 21,958 square feet where 40,000 square feet is required and any other relief necessary.

**SEQRA RESOLUTION – Lead Agency**

**Blessing Fields, LLC** Adam 900-222-1-12 Hampton Bays  
Lead Agency: \_\_\_\_\_  
Motion: \_\_\_\_\_ In Favor: \_\_\_\_\_ Abstained: \_\_\_\_\_  
2<sup>nd</sup>: \_\_\_\_\_ Opposed: \_\_\_\_\_

**Southampton Town Zoning Board of Appeals**  
**Public Hearing Agenda**  
**March 17, 2022**  
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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Timothy Shannon & Maritess Manaluz (written submissions by March 4 <sup>th</sup> )	Michael	02/17/22	900-62-1-30.1	North Sea
Sara Burr (written submissions by March 4 <sup>th</sup> )	Robert	02/17/22	900-16-1-46	Noyac
Farrell CIT Buildingco, LLC (written submissions by March 4 <sup>th</sup> )	Susan	02/17/22	900-105-1-1.26	Bridgehampton
201 SR, LLC (written submissions by March 4 <sup>th</sup> )	Keith	02/17/22	900-87-3-5.3	Bridgehampton
2 Tents, LLC (written submissions by March 4 <sup>th</sup> )	Helene	02/17/22	900-230-1-27.1	Hampton Bays
Donald Noble (written submissions by March 4 <sup>th</sup> )	Helene	02/17/22	900-368-2-38.21	Remsenburg/Speonk
Robert Feuer & Judit Lang (written submissions by March 4 <sup>th</sup> )	Keith	02/17/22	900-323-2-31	Hampton Bays
NYCELEX Real Estate Holdings Development Corp. (written submissions by July 29 <sup>th</sup> )	Cornelius	07/01/21	900-349-2-24	Eastport
Scott Schlachter (written submissions by July 29 <sup>th</sup> )	Susan	07/15/21	900-24-1-49	Noyac
Joseph & Maria Ricciardi (written submissions by Feb. 18 <sup>th</sup> )	Susan	02/03/22	900-5-3-40	Noyac
Thomas & Julie Crowley (written submissions by Feb. 18 <sup>th</sup> )	Cornelius	02/03/22	900-271-1-44	Shinnecock Hills
Grant Werner (Bret and David Moore – Applicants) (written submissions by Jan. 21 <sup>st</sup> )		01/06/22	900-351-2-23	Eastport