

TOWN OF SOUTHAMPTON

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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 May 2, 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. **Marc Levin & Mariana Loose (Lewis J. Liman & Lisa C. Liman – Applicants)**
116 Turtle Cove Drive (appl. 1800172) Adam 900-43-1-38 North Sea
Applicant appeals the decision of the Building Inspector, dated December 14, 2018 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), "concluding that Town of Southampton Building and Zoning Department does not review or issue permits for retaining walls if they are constructed in connection with sanitary systems" and any other relief necessary.
2. **97 Wild Goose Lane, LLC (appl. 1900049) Cornelius 900-103-2-28 Water Mill**
97 Wild Goose Lane
Applicant requests relief from the following provisions of the Town Code for a proposed tennis court: (i) §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 15 feet where 30 feet is required and (ii) §330-77D (placement of accessory buildings, structures and uses in residence districts) for a proposed rear yard coverage of 28% where a maximum of 20% is permitted any other relief necessary.
3. **Elizabeth Formidoni and Juan Mendez (appl. 1900050) Keith 900-81-3-5 Water Mill**
25 Cooks Lane
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 70' +/- feet where 80 feet is required and a minimum side yard setback of 13 feet where 30 feet is required for a proposed addition to an existing residence on a nonconforming lot and any other relief necessary.

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NEW APPLICATIONS (continued)

SCTM – HAMLET

4. **JSC Resources, Inc.** (appl. 1900051) Helene 900-330-2-16.11 Westhampton
19 Sophia Court
Applicant requests relief from Town Code §330-82 (lot width) to allow the three parcels of a proposed three-lot subdivision to each have a (10) foot wide flagpole where a minimum of 20 feet is required and any other relief necessary.

5. **Nicholas Stefanou** (appl. 1900052) Jason 900-295-1-10.14 Hampton Bays
26 Fortune Cookie Lane
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 31.8 feet where 50 feet is required and a total lot coverage of 50.5% where a maximum of 20% is permitted to legalize a "roof over terrace" attached to the main dwelling without the benefit of a building permit and any other relief necessary.

6. **Daniel & Cristina Thorp** (appl. 1900053) Michael 900-24-3-16.7 Noyac
1103 Brick Kiln Road
Applicant requests relief from the following provisions of the Town Code: 1. To legalize the location of the accessory building: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 20.6 feet where 70 feet is required and (ii) §330-76D (placement of accessory buildings structures and uses in all districts) and §330-83C (yards) to allow the accessory building to remain within the required front yard of the principal building; 2. To legalize the shed attached to the accessory building without the benefit of a building permit: §330-11 for an accessory side yard setback of 16 feet +/- where 20 feet is required; and 3. To legalize the conversion of the accessory building into an accessory apartment without the benefit of a building permit: (i) §330-11.2(G)(1) (accessory apartment special standards) to allow the size of the accessory apartment to be 46% +/- of the total floor area of the main dwelling where a maximum of 35% is permitted, (ii) §330-11.2(J) to allow the two (2) off-street parking spaces for the accessory apartment to be located within the required front yard and any other relief necessary.

7. **Susan J. Wolfersdorf and Edward Wolfersdorf** (appl. 1900054) 900-344-1-28 East Quogue
2 Saralin's Way Brian
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed garage with attached shed: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 20 feet from the Private Road where 70 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 with attached shed to be located within the required front yard of the principal building; and 2. For the proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory front yard setback of 46.4 feet from the Private Road where 70 feet is required and 27 feet from Saralin's Way where 70 feet is required and (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 on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

8. **Sean King** (appl. 1900040) Brian 900-65-2-3.55 Water Mill
16 Farmstead Lane
Applicant requests a determination as to whether or not the proposed garage with apartment above 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 §330-84D (pyramid height) for a proposed encroachment in the amount of 1,507 cubic feet for a proposed detached garage and relief from Town Code §330-11.2G(3) (accessory apartment special standards) to allow an accessory apartment (efficiency unit) that is greater than 35% of the total floor area of the main dwelling, to wit, 44%, to be located on the second floor of the proposed detached garage and any other relief necessary.

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 1/3/19 meeting; adjourned from the 2/21/19 and the 3/21/19 meeting:

9. **Marc Levin & Mariana Loose (Lewis J. Liman & Lisa C. Liman – Applicants)**
116 Turtle Cove Drive (appl. 1800172) Brian 900-43-1-38 North Sea
Applicants appeal the issuance of Building Permit #P080115, dated July 24, 2018 in that said permit was issued without a variance for the proposed concrete sanitary retaining wall and any other relief necessary.

Held over from the 4/4/19 meeting:

10. **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.

HOLDOVER APPLICATIONS

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 and the 4/4/19 meeting:

11. **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 and the 4/4/19 meeting:

12. **295 Montauk Highway, Inc.** (appl. 1800094) 900-231-1-31 Hampton Bays
295 East Montauk Highway Keith
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

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 and the 4/4/19 meeting:

13. **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

<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Michelle & Joel Levitin (written submissions)	Jason	04/18/19	900-92-2-2	North Sea
Christopher Coppola	Keith	04/18/19	900-186-1-46	Hampton Bays
Corey Burak (written submissions)	Adam	04/18/19	900-191-2-14	Hampton Bays
Randall Apt (written submissions)	Cornelius	05/17/18	900-70-2-14	Bridgehampton
Jeffrey Sadowski (written submissions)	Jason	04/04/19	900-112-2-31	North Sea
Laurie & Anthony Belmonte (written submissions)	Adam	04/04/19	900-298-1-2	Hampton Bays
Bayview Four, L.P. (written submissions)	Keith	03/21/19	900-115-2-30.11	Water Mill
Bayview Four, L.P. (written submissions)	Keith	03/21/19	900-115-2-30.12	Water Mill

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<u>DECISIONS (continued)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
George & Christine Bertero (written submissions)	Michael	03/07/19	900-9-3-79	Noyac
Fahrettin Ozdemir (written submissions)	Cornelius	03/07/19	900-316-1-29	East Quogue
Millard C. Jayne III & Rebecca J. Wiseman (written submissions)	Cornelius	03/07/19	900-376-1-64	Westhampton