

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
July 18, 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. PMG LI, LLC (appl. 190084)
239 West Montauk Highway | Keith | 900-256-1-1 | Hampton Bays |
|------------------------------------------------------------------|-------|-------------|--------------|
- Applicant requests an interpretation that the proposed 1,200 square foot convenience store is a customary accessory use to the existing gasoline station at the subject premises. In addition, applicant requests relief from the following provisions of the Town Code: 1. §330-95 (schedule of off-street parking space requirements for nonresidential uses) to allow 16 on-site parking spaces, where a minimum of 17 spaces is required, 2. Freestanding single pole sign "#1": a) A single pole sign is required to utilize only wood or metal in the design and construction, and include a decorative horizontal support, as illustrated, pursuant to §330-205B(4) (general provisions) where the design does not include a hanging decorative support and is not permitted, b) A single pole sign is required to utilize only wood or metal in the design and construction, pursuant to §330-205B(4) (general provisions) and where the design includes a plastic message area and is not permitted, c) The "Price Box" attached to midpoint of pole structure is a prohibited design component pursuant to §330-203B(12) (exempt and prohibited signs), d) The maximum allowable sign area for a single pole sign is 16 square feet pursuant to §330-205B(4), where the area of signage is to be 50.8 sq. ft. (34.8 sq. ft. "Mobil", 16 sq. ft. "price box"), e) A single pole sign is

NEW APPLICATIONS (continued)

SCTM – HAMLET

PMG LI, LLC (continued)

allowed to be up to an 8'-0" maximum height above grade pursuant to §330-205B(4), where a height of 17'-0" exists, f) The sign structure is located within the "corner clearance" area pursuant to §330-205B(2), a prohibited area of the parcel, g) A minimum 20'-0" front yard setback to the base of the pole is required pursuant to §330-205B(2) and §330-205B(4), and where a setback of 9.4 feet is along the northwesterly lot line arc at the corner intersection, h) The sign is only permitted to exist within the "sky plane" as defined by §330-84D (pyramid height), where only that portion of the sign that lies within the "sky plane" is allowed. Here, there is a pre-existing volume of encroachment of 34.9 cubic feet, and an additional volume of encroachment of 42.90 cubic feet, and where an additional encroachment of 8 cubic feet exists, and 3. Existing roof canopy signs "#2" & "#3": a) Signs erected upon a detached roof canopy are not permitted pursuant to §330-205.B.(Freestanding signs, including pole and monument signs) where only dual pole, single pole, and monument freestanding types are permitted, b) A sign attached to a detached accessory canopy is prohibited pursuant to §330-203.B(12) in that permanent signs attached to structures or otherwise displayed in any manner designed to circumvent the restrictions in this article are prohibited, c) All signs within a residence zoning district shall be wood or wood appearing pursuant to §330-206.D via §330-206.G. and where a plastic message area is existing and any other relief necessary.

2. **James Broderick & Tara Laterza** (appl. 1900085) 900-352-1-11 Eastport
14 South Bay Avenue Brian
Applicant requests relief from the following provisions of the Town Code to raise the existing dwelling 3 feet and construct a second story addition with a cupola: (i) §330-11 (residential districts table of dimensional regulations) to allow the height of the dwelling (to the top of the cupola) to be 35'-10" where a maximum of 32 feet is permitted, (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 4,589 cubic feet and (iii) §330-83D (yards) to allow the stairway to encroach into a required yard at setback of 6 feet +/- where such stairway shall not encroach into a required yard more than 4 feet and any other relief necessary.

3. **Henry & Loretta Vigilante** (appl. 1900086) 900-382-1-56 Westhampton
19 Sandpiper Court Adam
Applicant requests relief from the following provisions of the Town Code for a proposed third-story addition: (i) §330-84D (pyramid height) for a proposed encroachment in the amount of 172.35 cubic feet and (ii) Town Code §330-11 (residential districts table of dimensional regulations) for a proposed third-story addition where a maximum of two-stories is permitted and any other relief necessary.

4. **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.

NEW APPLICATIONS (continued)

SCTM – HAMLET

5. **Elias & Helen Wexler** (appl. 1900088) Adam 900-382-1-51 Westhampton
9 Sandpiper Court
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling with attached, balconies and terraces: (i) §330-11 (residential districts table of dimensional regulations) for principal minimum side yard setback of 10.2 feet where 20 feet is required and a total side yard setback of 39.4 feet where 45 feet is required; and (ii) §330-84D (pyramid height) for a total encroachment in the amount of 41.8 cubic feet and any other relief necessary.

6. **Hamptons RSVP, LLC** (appl. 1900089) Cornelius 900-98-1-14 North Sea
61 Edge of Woods Road
Applicant requests a determination that the subject parcel SCTM# 900-98-1-14 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.

7. **Robert & Catherine Canberg** (appl. 1900090) 900-369-1-59 Remsenburg
11 Crestview Drive Jason
Applicant requests relief from Town Code §330-84D (pyramid height) for a proposed encroachment in the amount of 4,311 cubic feet for a proposed 2nd story addition to an existing dwelling on a nonconforming lot and any other relief necessary.

8. **Daniel Rosenblum** (appl. 1900091) Helene 900-341-1-17 East Quogue
22 Bay Avenue
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 43 feet where 60 feet is required for a proposed one-story addition with attached covered porch/covered deck. In addition, 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 swimming pool to be located within the required minimum side yard for the principal building

MODIFICATION REQUEST

9. **Catherine Curtin & Robert W. Hulsmeyer** (appl. 1900092)
1458 Sagg Road Michael 900-26-2-84 Sag Harbor
On June 7, 2018, by decision number D018067, this Board granted the applicant setback relief for a proposed swimming pool and detached garage/pool house with outdoor shower and relief to allow the swimming pool and detached garage/pool house with attached outdoor shower to be located in the required front yards. By letter dated May 28, 2019, Susan M. Brierley of Due East Planning Inc., is requesting that the Board modify said decision to substitute revised plans and revised survey for the proposed 1 ½ story garage/pool house.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

RE-OPENED & ADJOURNED APPLICATION

SCTM – HAMLET

Re-Opened and adjourned from the 6/20/19 meeting:

10. **Tiana Bay Apartment Owners, Inc.** Brian 900-320-1-9.1 Hampton Bays
50 Rampasture Road
Applicant requests relief from the following provisions of the Town Code: (i) §330-155E (conversion to residential condominium or residential cooperative) to allow 59 of 60 pre-existing nonconforming units to have a floor area of less than 600 square feet; (ii) For the deck around the gazebo: §330-83A(4) (yards) to allow an existing deck higher than 1 foot above the ground to remain within the required front yard; (iii) For the gazebo: §330-11 (residential districts table of dimensional regulations) to allow an existing gazebo to have a setback of 14.9 feet where 70 feet is required, §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the gazebo to remain within the required front yard; (iv) For the wood deck on the west side of the "Bay Front" building: §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required and for an accessory front yard setback of 55.7 feet where 70 feet is required, relief from §330-83A(4) to allow a deck higher than 1 foot above the ground to remain within the required front yard; and (v) To legalize the wood deck on the east side of the "Bay Front" building: §330-11 for an accessory side yard setback to 18.3 feet where 20 feet is required and any other relief necessary.

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 meeting:

11. **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 10/5/17 meeting; adjourned from the 11/16/17, 01/18/18, 3/1/18, 4/5/18, 7/19/18, 08/16/18, 10/4/18, 12/6/18, 1/17/19 and the 3/21/18 meeting:

12. **Michael Esposito & Louis Esposito** (appl. 1700111) 900-143-2-48 Flanders
730 Flanders Road ~~Thomas~~
Applicant requests relief from Town Code §330-117 (Change) as it relates to Town Code §330-167B(3) (Specific types of variances) to legalize a change from one nonconforming use to another nonconforming use without the benefit of a building permit, to wit, from a restaurant and lounge to a Take-Out Restaurant (delicatessen/market) and any other relief necessary.

RE-OPENED & ADJOURNED APPLICATION

SCTM – HAMLET

Held over from the 3/21/19 meeting; adjourned from 04/18/19 meeting.

13. **Konner Friedlander Gateway 1, LLC** (appl. 1900002) 900-84-1-15, 16.2 & 16.8
2037, 2045 & 2071 Montauk Highway Brian Bridgehampton
Applicant requests relief from the following provisions of the Town Code or a proposed three-lot subdivision and site development: (i) §330-82 (lot width) for a proposed flag pole width of 10 feet for proposed Lot 1 where 20 feet is required; (ii) §330-105K (schedules of minimum and maximum floor area) for the size of the proposed building complex on proposed Lot 2 to be 27,000 square feet where a maximum of 15,000 square feet is permitted; (iii) §330-83G(1) (yards) to allow parking spaces to be located within the transitional rear yard; and (iv) §330-78 (placement of accessory buildings and uses in non-residential districts) to allow parking to be located zero feet from portions of the side and rear property lines where 20 feet is required and any other relief necessary.

Held over from the 4/4/19 and the 5/2/19 meeting:

14. **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 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 and the 5/2/19 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

JTEN Holdings, LLC (appl. 1800093) (continued)

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 and the 5/2/19 meeting:

16. **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.

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 and the 5/2/19 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

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JTEN Properties, LLC (appl.1800095)

§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 9/20/18 meeting; adjourned from 10/18/18, 12/6/18, 1/17/19, 2/21/19 and the 06/20/19 meeting:

18. **Martin Pepa** (appl. 1800117) Michael 900-133-1-19.1 Water Mill
357 Montauk Highway
Applicant requests relief from Town Code §330-76A (placement of accessory buildings, structures and uses in all districts) to legalize the construction of a roof over an existing deck to be located 1'-8.5" from the main building where a distance of 5 feet is required on a nonconforming lot and any other relief necessary.

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; adjourned from the 3/7/19, 3/21/19 and the 04/18/19 meeting; held over from the 5/16/19 meeting; adjourned from the 6/20/19:

19. **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.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1900093)
(written submissions by July 1st) Adam 05/02/19 900-43-1-38 North Sea

Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1800172)
(written submissions by July 1st) Adam 05/02/19 900-43-1-38 North Sea

North Sea Mecox, LLC Jason 06/20/19 900-132-2-15.2 North Sea
(written submissions)

27 Dune, LLC Brian 06/20/19 900-386-2-2 East Quogue
(written submissions)

Estate of May C. Wilson Adam 06/20/19 900-99-3-7 North Sea
(written submissions)

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<u>DECISIONS (continued)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Michael Farkas & Lauren Farkas	Helene	06/20/19	900-265-5-31	Hampton Bays
JJ 2015, LLC	Cornelius	06/20/19	900-10-1-94.5	Noyac
Scuttlebut Farms Land, LLC (written submissions)	Helene	06/20/19	900-50-1-9.1	Bridgehampton
The Patricia A. Bencardino Trust	Michael	06/20/19	900-33-1-80	North Sea
Maria & Michael Rothstein (written submissions)	Helene	05/16/19	900-345-2-1	Hampton Bays
Dean Isidro (written submissions)	Michael	06/06/19	900-26-1-45	Sag Harbor
Anthony & Deborah Tarsitano (written submissions)	Brian	06/06/19	900-26-2-97.1	Bridgehampton
625 Butter Lane Homestead, LLC (written submissions)	Brian	03/21/19	900-51-1-17.7	Bridgehampton