

# 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  
July 21, 2022

The Zoning Board of Appeals meeting is held both in the Town Board Room, 116 Hampton Road, Southampton and 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 the meeting

### **NEW APPLICATIONS**

### **SCTM – HAMLET**

1.	<b>The Pauls Lane Trust</b> 122 Pauls Lane	Michael	900-103-2-19	Water Mill
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Applicant requests relief from the following provisions of the Town Code for a proposed 55' x 118' tennis court: (i) §330-11 (residence districts table of dimensional regulations) for an accessory side yard setback of 20 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 minimum and total side yard for the principal building and any other relief necessary.

2.	<b>Ivan Paskov</b> 11 N. Shore Road	Keith	900-125-1-18	Hampton Bays
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Applicant requests relief from the following provisions of the Town Code: 1. §330-11 (Residence Districts Table of Dimensional Regulations) for a proposed third story addition where a maximum of two stories is permitted; 2. §330-84D (Pyramid/Height) for a proposed total pyramid encroachment of 2,463.21 cubic feet (2,351 cu ft on the West side of the property and 112.21 cu ft on the S/E side of the property); 3. §330-115 (continuance): (i) for a second story deck a proposed front setback of 31.8' where 60' is required (off Shore Road) and (ii) for a proposed first, second and third story addition a principal minimum side yard setback of 17.4' where 20' is required and a total principal side yard setback of 38.9' where 60' is required on a nonconforming lot and any other relief necessary.

**RE-ADVERTISED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**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 8/15/19 meeting; adjourned from the 3/5/20 meeting (mtg. cancelled); and adjourned from the 05/07/20, 07/16/20, 01/21/21, 07/01/21, 07/15/21 and the 01/20/22 meeting:**

3. **Thomas R. Stachecki Living Trust** (appl. 1900102) 900-78-1-20.1 North Sea  
1205 Majors Path Adam  
Applicant requests relief from Town Code §330-117 (change) as it relates to Town Code §330-167B(3) (specific types of variances) to permit a change from one nonconforming use to another, to wit, from a Pre-existing non-conforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris) to a 120 unit multi-family condominium use with a two-story club house an recreational area and any other relief necessary.

**Adjourned from 03/03/22 meeting and held over from the 05/05/22 meeting:**

4. **SGM Excavating LLC and Mack's Masonry Supply Yard, LLC** (app# 2200012)  
110 & 154 North Magee Street ~~Cornelius~~ 900-129-2-19.1 & 19.2 Tuckahoe  
Applicant appeals the issuance of Notices of Violation issued by the Office of the Fire Marshal, dated September 13, 2021, and September 27, 2021 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), which allege violations of Town Code 330-177A and Town Code 123-4 for change of use and failure to obtain building permits and certificates of occupancy for trailers on the premises.

**Held over from the 01/20/22 meeting; and adjourned from the 03/17/22, 04/21/22 and the 05/19/22 meeting:**

5. **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)

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

§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.

**Held over from the 07/07/22 meeting:**

6. **87 Foster Ave, LLC** (app# 200048) Helene 900-374-2-6 Hampton Bays  
87 Foster Avenue

Applicant requests relief from the following provisions of the Town Code a proposed in-ground swimming pool: (i) §330-34 (business districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 32 feet from Lighthouse Road (north property line) where 60 feet is required and an accessory distance from street setback (front yard) of 50 feet from Foster Avenue (east property line) where 60 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 for the principal building on a nonconforming lot and any other relief necessary.

**Held over from the 07/07/21 meeting:**

7. **Richard F. Stott** (app# 2200061) Adam 900-268-2-31 Hampton Bays  
61 Kyle Road

On October 7, 2021, by decision number D021112, this Board granted relief for the following: (i) setback relief for a proposed covered porch, (ii) setback relief for a proposed addition on the west side of the dwelling, (ii) pyramid relief for a proposed roof renovation to the east side of the existing dwelling. By letter dated May 16, 2022, the applicant is requesting that said decision be modified to indicate a side yard setback of 9.4 feet instead of the 10.66 feet which was granted for the proposed addition on the west side of the dwelling.

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**MODIFICATION REQUEST**

8. **Beach Properties, Inc.** Keith 900-384-3-54 East Quogue  
 25 Shinnecock Road  
 On September 15, 2011 by decision number D012929, this Board granted a pyramid variance in the amount of 1,699 cubic feet and a rear yard setback from 30 feet to 23 feet for the construction of a two-story dwelling. By letter dated June 27, 2022, the applicant is requesting a modification of said decision due to a change in the design of the dwelling. The modified variance relief being requested for the proposed two-story dwelling is as follows: (i) §330-84D (pyramid height) for a proposed encroachment in the amount of 364.2 cubic feet (222.6 cu ft on the North side + 141.6 cu ft on the South side) and (ii) §330-11 (residence districts table of dimensional regulations) for a principal rear yard setback of +/- 24.7 feet where 30 feet is required.

<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
East Quogue 535 Realty Inc. (written submissions by July 1 <sup>st</sup> )	Keith	06/16/22	900-341-1-52	East Quogue
40 Oceanview Drive, LLC (written submissions by July 1 <sup>st</sup> )	Keith	06/16/22	900-271-1-44	Shinnecock Hills
1737 Millstone, LLC (written submissions by July 1 <sup>st</sup> )	Michael	06/16/22	900-13-1-72.2	Noyac
Farrell CIT Buildco, LLC (written submissions by July 1 <sup>st</sup> )	Robert	06/16/22	900-134-2-32	Bridgehampton
Scott Schlachter (written submissions by July 1 <sup>st</sup> )	Susan	06/16/22	900-24-1-49	Noyac
Ryan Nivakoff (written submissions by June 17 <sup>th</sup> )	Robert	06/02/22	900-104-1-24.1	Bridgehampton
192 Hampton Bays Realty, LLC (written submissions by June 17 <sup>th</sup> )	Keith	06/02/22	900-221-3-17	Hampton Bays
Janet Zimmerman (written submissions by June 3 <sup>rd</sup> )	Robert	05/19/22	900-369-1-21	Remsenburg/Spoenk
Adios Holdings, LLC (written submissions by May 9 <sup>th</sup> )	Michael	03/17/22	900-10-1-11	Noyac

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**DECISIONS (continued)**

**DATE CLOSED**

**SCTM – HAMLET**

Nicholas & Luz Kardaras  
(written submissions by May 20<sup>th</sup>)

05/05/22

900-26-1-86 Sag Harbor

1240 Ocean, LLC  
(written submission from David Gilmartin Jr. by May 13<sup>th</sup> and from Michael Walsh by May 20<sup>th</sup>)

Michael 05/05/22

900-134-4-29.9 Bridgehampton