

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
August 1, 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. **The Julie Lynn Levin Revocable Trust** (appl. 1900094) 900-355-1-6.3 Westhampton
46A Old Country Road Cornelius
Applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback of 32.51 feet where 39.7 feet is existing and relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 17.07 feet where 20 feet is required; all for a proposed one-story addition to an existing dwelling and any other relief necessary.
2. **Giulliana Albarracin** (appl. 1900095) Brian 900-145-1-19 Flanders
192 Brookhaven Avenue
Applicant requests relief from the following provisions of the Town Code to legalize the construction of an accessory apartment within the main dwelling on a nonconforming lot: (i) §330-11.2(F) (accessory apartment special standards) to allow an accessory apartment to be located on a lot that has a lot area of less than 20,000 square feet; (ii) §330-11.2(F) for lot area of 15,000 square feet where 32,000 square feet is required (70% of 40,000 square feet); and (iii) to allow the accessory apartment to be 73% of the total floor area of the principal dwelling and any other relief necessary.

NEW APPLICATIONS (continued)

SCTM – HAMLET

3. **DAS Properties, LLC** (appl. 1900096) Brian 900-5-5-65 Noyac
8 Oak Road
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling with attached deck on a nonconforming lot: (i) §330-115D(2) (continuance) for a proposed principal rear yard setback of 22.9 feet where 23.08 feet is permitted, (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 864 cubic feet (432 cubic on the North and South side respectively) and (iii) §330-105A (schedules of minimum and maximum floor area) to allow the area of the first floor to be 740 square feet where 800 square feet is required and any other relief necessary.

4. **Sea Salt Holding, LLC** (appl. 1900097) Keith 900-341-2-66.1 East Quogue
4 Fedak Lane
Applicant requests relief from the following provisions of the Town Code: 1. To legalize a wood deck: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 9.2 feet where 20 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the deck to remain within the required minimum and total side yard for the principal building; and 2. To legalize the location of the hot tub: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 13.5 feet where 20 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the hot tub to remain within the required minimum and total side yard for the principal building and any other relief necessary.

5. **Willow Square, LLC** (appl. 190098) Michael 900-129-2-38.2 Tuckahoe
7 Sebonac Road
Applicant requests relief from Town Code §330-83G(1)(a) (yards) for a transitional side yard setback of 30 feet where 50 feet is required for a proposed storage garage. In addition, applicant requests a determination as to whether or not the proposed storage 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 cottages and its use and any other relief necessary.

6. **Robert S. Stabile Jr.** (appl. 1900099) Jason 900-343-1-57 East Quogue
5 Landing Lane
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed swimming pool: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard - Shinnecock Road) of 20 feet 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 swimming pool to be located in the required front yard for the principal building; and 2. To legalize the location of a frame shed: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard - Shinnecock Road) of 9.4 feet 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 frame shed to remain within the required front yard for the principal building and any other relief necessary.

NEW APPLICATIONS (continued)

SCTM – HAMLET

7. **Edward Broidy** (appl. 1900100) Helene 900-139-3-47.2 Riverside
12 Old Quogue Road
Applicant requests relief from Town Code §330-82 (lot width) to allow a minimum road frontage of zero feet where 40 feet is required and any other relief necessary.
8. **Robert J. Lysaght** (appl. 1900101) Michael 900-32-2-12 North Sea
8 Hampton Road North
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations): 1. For the proposed one-story dwelling on a nonconforming lot: (i) a principal front yard setback of 40.1 feet where 60 feet is required from the Westerly lot line (Rose Hill Road), and (ii) a principal front yard setback of 30.2 feet to the dwelling and to 25.2 feet to the covered porch attached to the proposed dwelling where 60 feet is required from the Northerly lot line (Hampton Road North) and 2. For the proposed one-story detached garage: (i) an accessory distance from street setback (front yard) of 30.2 feet where 70 feet is required from the Northerly lot line (Rose Hill Road) and (ii) an accessory distance from street setback (front yard) of 60.2 feet where 70 feet is required from the Easterly lot line (Noyack Road) and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 6/6/19 meeting:

9. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders
90 Old Quogue Road
Applicant appeals the decision of the Chief Building Inspector, dated March 27, 2018 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that, he was in error in refusing to issue an updated Certificate of Occupancy to certify that an Auto Repair Business was in operation and open to the public at the subject property prior to 1957 and any other relief necessary.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Adjourned from the 10/4/18, 11/15/18, 1/3/19, 2/21/19, 3/21/19, 04/18/19 and the 06/20/19 meeting:

10. **106 Cold Spring Point LLC** (Cathleen Buckley & Anthony Aufiero – Applicants).
(appl. 1800120) 106 Cold Spring Point Road Cornelius 900-155-1-30 Tuckahoe
Applicants appeal the issuance of Building Permit #P079933, dated June 20, 2018 in that said permit was issued without a variance for the proposed concrete retaining wall and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 11/1/18 meeting and adjourned from the 1/17/19, 3/7/19, 4/4/19 and the 5/16/19 meeting:

11. **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 10/18/18 meeting; Re-Opened 3/21/19 and adjourned to 5/2/19; Held over from the 5/2/19 meeting:

12. **KTB Flying Point Revocable Trust** (appl. 1800127)
500 Flying Point Road Keith 900-160-1-26 Water Mill
Applicant requests relief from the following provisions of the Town Code for a proposed carriage house on a lot where a single family dwelling and apartment exist: (i) §330-167B(1)(a) and §330-167B(1)(d) (specific types of variances) for the expansion of a nonconforming use; (ii) §330-9D(4) (density incentive provisions) to allow a carriage house to be constructed on a lot where two dwellings are existing; (iii) §330-9D(4) for a waiver of one or more development rights or PBC; (iv) §330-9D(4)(c) to allow a rear yard setback of 24 feet where 50 feet is required; (v) §330-9D(4)(e) (height) to allow the proposed carriage house to be 26 feet 3 3/8 inches where a maximum of 24 feet is permitted and any other relief necessary.

Held over from the 6/20/19 meeting:

13. **Joseph F. Ceravolo** Adam 900-259-2-12 Hampton Bays
9 Corwin Lane
Applicant requests a determination that the subject parcel SCTM# 900-259-2-12 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. In addition, applicant requests relief from the following provisions of the Town Code for the proposed two-story dwelling: (i) §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 49.8 feet where 60 feet is required, (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 1,379 cubic feet, (iii) §330-83A(4) to allow the first and second floor decks that are higher than one foot above ground level to be located in the required front yard, and (iv) §330-83D to allow the stairway (steps) on the northerly side of the proposed deck to be located in the side yard at a setback of 11.9 feet where a setback of 12 feet is required and the stairway (steps) leading up to the covered porch to be located in the side yard at a setback of 11.9 feet where a setback of 12 feet is required on a nonconforming lot and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 5/16/19 meeting and adjourned from the 6/6/19 meeting:

14. **Kevin Mance & Janet Rost-Mance** (appl. 1900055) 900-51-1-20.1 Bridgehampton
 570 Lumber Lane Adam
 On May 16, 2013, by decision number D013185, this Board granted the applicants variance relief for an addition to an existing shed and relief for the conversion of a barn into an accessory apartment. The relief is granted was conditioned on the applicants and/or any future owner of the subject property removing the second driveway (for the inhabitants of the existing accessory apartment) within one year of the date of this decision, and obtaining all required approvals for parking for the existing accessory apartment from the Southampton Town Building Department. By letter dated April 10, 2019, Kevin Mance has requested that the Board modify said decision to allow the second driveway to remain in its current location. This application was re-opened and is being advertised for further discussion.

Held over from the 6/20/19 meeting:

15. **Maria C. Del Rosso** Keith 900-176-1-3.2 Shinnecock Hills
 87 Inlet Road West
 Applicant requests relief from the following provisions of the Town Code: 1. To legalize an existing deck on grade constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of zero feet where 10 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the deck to remain within the required minimum and total side yard of the principal building; 2. To legalize a shed constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 0.5 feet where 10 feet is required, (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the shed to remain within the required minimum and total side yard of the principal building, and (iii) §330-84D (pyramid height) for an encroachment in the amount of 336 cubic feet; 3. To legalize an outdoor shower constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 0.5' +/- feet where 10 feet is required, (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the outdoor shower to remain within the required minimum and total side yard of the principal building, and (iii) §330-84D for an encroachment in the amount of 223 cubic feet; 4. For a proposed addition to the southeast corner of the existing dwelling; §330-84D for a proposed encroachment in the amount of 680 cubic feet; 5. For a proposed addition to the southwest corner of the existing dwelling: §330-84D for a proposed encroachment in the amount of 1,960 cubic feet; and 6. For a proposed covered porch: §330-115C (continuance) for a principal rear yard setback of 8.3 feet where 14.3 feet is existing on a nonconforming lot and any other relief necessary.

DECISIONS

DATE CLOSED

SCTM – HAMLET

James Broderick & Tara Laterza Brian 07/18/19 900-352-1-1 Eastport
 (written submissions)

Elias & Helen Wexler Adam 07/18/19 900-382-1-51 Westhampton

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<u>DECISIONS (continued)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Hamptons RSVP, LLC	Cornelius	07/18/19	900-98-1-14	North Sea
Daniel Rosenblum	Helene	07/18/19	900-341-1-17	East Quogue
Catherine Curtin & Robert W. Hulsmeyer	Michael	07/18/19	900-26-2-84	Sag Harbor
North Sea Mecox, LLC (written submissions)	Jason	06/20/19	900-132-2-15.2	North Sea
27 Dune, LLC (written submissions)	Brian	06/20/19	900-386-2-2	East Quogue
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
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