

# 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  
April 21, 2022

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

1. **Kidd Construction Company, Inc.** (app# 2200029) 900-51-1-10 Bridgehampton  
630 Lumber Lane Helene  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 60.5 feet where 80 feet is required for a proposed two-story residence on a nonconforming lot and any other relief necessary.

### NEW APPLICATIONS

### SCTM – HAMLET

2. **The Colonel's Way, LLC.** (app# 2200030) Robert 900-60-3-14.2 North Sea  
55 Fish Cove Road  
Applicant requests relief from Town Code for a proposed one-story dwelling on a nonconforming lot: 1. §330-84 D (Height/Pyramid) for a proposed encroachment of 38.4 cubic feet on the East side of the property; and 2. §330-94 (Schedule of Off-Street Parking Space Requirements for Residential Uses) for zero parking spaces where a minimum of two spaces are required and any other relief necessary.
3. **MM Maria Mendelsohn Realty, LLC.** (app# 2200031) 900-11-1-18.9 Noyack  
2538 Noyack Road Michael  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 51.3 feet where 100 feet is required for a proposed 2-story dwelling and any other relief necessary.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

4. **Chandler Capital, LLC.** (app# 2200032) Susan 900-105-1-17.14 Bridgehampton  
52 Harvest Lane  
Applicant requests relief from the following provisions of the Town Code for a proposed sunken 55' x 110' tennis court with viewing deck: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 23.9 feet where 30 feet is required and an accessory rear yard setback of 26.4 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 side yard for a principal building and any other relief necessary.
5. **Freda Realty Holdings, LLC.** (app# 2200033) Keith 900-160-3-25.8 Water Mill  
12 Cobb Isle Road  
Applicant requests relief from Town Code §330-77D (placement of accessory buildings, structures and uses in residence districts) for a proposed rear yard coverage of 35% where a maximum of 20 % is permitted for a proposed sunken tennis court and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

6. **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.

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 03/03/22 meeting:**

7. **Third Garden Park Limited Partnership** (app# 2200014) Adam East Quogue 900-289-2-9 & 900-251-1-3  
58 Old Country Road  
Applicant appeals the September 13, 2021, determination of the Chief Building Inspector, as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that that the relocation of 21 manufactured homes from SCTM 900-289-2-9 to SCTM 900-251-1-3; and the addition of square footage to existing homes is considered an expansion of a nonconforming use pursuant to Town Code 330-167. If the Board agrees with the Chief Building Inspector's determination, applicant requests relief from Town Code 330-167B(1)(a) for an expansion of a nonconforming use.

**SCOPING SESSION**

**SCTM – HAMLET**

None scheduled for this meeting

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 01/20/22 meeting; and adjourned from the 03/17/22 meeting:**

8. **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.

**SEORA RESOLUTION – Lead Agency**

**9-11 Flanders Road, LLC**

Motion: \_\_\_\_\_ In Favor: \_\_\_\_\_ Abstained: \_\_\_\_\_  
2<sup>nd</sup>: \_\_\_\_\_ Opposed: \_\_\_\_\_

**HOLDOVER APPLICATIONS (continued)**

**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, 02/17/22 and the 3/17/22 meeting:**

9. **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.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

Atlantic Golf Club, Inc. (Maryann Gabriele, et al – applicants)		01/20/22	900-49-1-7.1	Bridgehampton
(written submissions from Wayne Bruyn by Feb. 28 <sup>th</sup> and from Brian Matthews and public by March 28 <sup>th</sup> )				
Paul McCormick (written submissions by April 8 <sup>th</sup> )	Cornelius	03/17/22	900-76-4-33	North Sea
Carleton Gibson and Kaia Heimarck (written submissions by April 8 <sup>th</sup> )	Helene	03/17/22	900-92-3-13	North Sea
Daniel Beller (written submissions by April 8 <sup>th</sup> )	Michael	03/17/22	900-101-3-53.4	Water Mill
Adios Holdings, LLC (written submissions by April 8 <sup>th</sup> )	Michael	03/17/22	900-10-1-11	Noyac
95 Inlet Road West, LLC (written submissions by Oct. 1 <sup>st</sup> )	Helene	09/16/21	900-176-1-1	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