

TOWN OF SOUTHAMPTON

Department of Land Management
Zoning Board of Appeals
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968

Phone: (631) 287-5700
Fax: (631) 287-5754



JAY SCHNEIDERMAN
TOWN SUPERVISOR

CHAIRPERSON
HERBERT E. PHILLIPS

VICE-CHAIRPERSON
ADAM GROSSMAN

BOARD MEMBERS
KEITH TUTHILL
BRIAN DESESA
LAURA TOOMAN
HELENE BURGESS

PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
March 3, 2016

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. Lorne Zingone (appl. 1600016) Adam 900-77-4-39.2 North Sea
65 Marys Lane
Applicant requests relief from Town Code §330-77C (placement of accessory buildings and uses in residence districts) to allow the height of a detached garage constructed without the benefit of a building permit to remain at 23'-10" where a maximum height of 20 feet is permitted and any other relief necessary.
2. M & R Properties, LLC (appl.1600018) Herb 900-177-2-58.1 Shinnecock Hills
2036 County Road 39
Applicant seeks to change from one nonconforming use to another nonconforming use, to wit, from an office for a security business to two offices pursuant to Town Code §330-117 (Change) as it relates to Town Code §330-167(B)(3) and §330-167B(1)(d) (specific types of variances) and any other relief necessary.
3. Maria Begona Santos-Montesinos (appl. 1600025) Helene 900-87-2-22 Bridgehampton
588 Pauls Lane
Applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback from the existing 71.8 feet to 67.3 feet from Paul's Lane for a proposed addition to the existing dwelling on a nonconforming lot and any other relief necessary.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
March 3, 2016  
Page two of six**

**NEW APPLICATIONS (Continued)**

**SCTM – HAMLET**

4. **Hampton 30, LLC** (appl. 1600026) 900-69-3-30 Bridgehampton  
30 Chester Avenue  
Applicant requests a determination that the subject parcel SCTM# 900-69-3-30 has been held in single and separate ownership from the adjacent parcel to the South identified as SCTM# 900-69-3-31 and thus entitled to relief pursuant to §330-115D and any other relief necessary.

5. **Antonio Estadella** (appl. 1600027) Laura 900-44-2-5 North Sea  
170 Warfield Way  
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed swimming pool to be located within the required front yard, minimum side yard and total side yard of the principal building: (i) §330-83C (yards), (ii) §330-76D (placement of accessory buildings and uses in all districts), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 26 feet where 50 feet is required; 2. For a proposed outdoor shower to be located within the required front yard of the principal building: (i) §330-83C (yards), (ii) §330-76D (placement of accessory buildings and uses in all districts), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback that is less than the required minimum of 50 feet and any other relief necessary.

6. **Timothy W. Ferguson & Daniele Knowles** (appl. 1600028) 900-79-2-16 Water Mill  
225 Water Mill Towd Road Keith  
Applicant requests a determination that the subject parcel SCTM# 900-79-2-16 has been held in single and separate ownership from the adjacent parcels and thus entitled to relief pursuant to §330-115D. In the alternative, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 23.7 feet where 50 feet is required and an accessory side yard setback of 31.3 feet where 50 feet is required for a proposed swimming pool on a nonconforming lot and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

7. **Thomas N. Rogers Jr.** (appl. 1600013) Brian 900-369-1-48 Remsenburg/Speonk  
13 Heather Drive  
Applicant requests relief from the following provisions of Town Code §330-11.2 (accessory apartment special standards) for a proposed accessory apartment to be constructed on the 2<sup>nd</sup> floor of the main dwelling on a nonconforming lot that is less than 30,000 square feet: (i) §330-11.2(F): for a lot area of 9,375 square feet where 16,000 square feet is required, lot width of 75 feet where 84 feet is required (80% of lot area and lot width required ); principal minimum side yard to 9.1 feet where 14 feet is required, principal total side yard of 30.4 feet where 31.5 feet is required and principal rear yard setback of 38.8 feet where 42 feet is required, (70% of dimensional regulations required ); (ii) §330-11.2G(1) to allow the size of the proposed accessory apartment to be 39% of the total floor area of the principal dwelling where a maximum of 35% is permitted, and (iii) §330-11.2(J) to allow the parking spaces for the accessory apartment to be located within the required front yard. In addition, applicant requests relief from the following provisions of the Town Code: 1. To legalize the metal shed constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 1.1 feet where 10 feet is required, and (ii) §330-84D (pyramid height); 2. To legalize the frame shed constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 2 feet and an accessory side yard setback of 1.5 feet where 10 feet is required, and (ii) §330-84D (pyramid height) and any other relief necessary.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
March 3, 2016  
Page three of six**

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 1/21/16 meeting:**

8. **Robert J. Mitzman & Thea Mitzman** (appl. 1600007) 900-104-2-4 Water Mill  
528 Mecox Road Keith  
Applicant requests relief from the following provisions of the Town Code: (i) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 53 feet where 70 feet is required, (ii) §330-76D (placement of accessory buildings and uses in all districts) and (iii) §330-83(C) (yards); all for a proposed detached garage to be located within the required front yard for the principal building on a nonconforming lot and any other relief necessary.

**SCOPING SESSION**

**SCTM – HAMLET**

None scheduled for this meeting

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 1/7/16 meeting:**

9. **Ronald M. Dubin & Betty Dubin** (appl. 1500190) 900-191-3-7.3 Hampton Bays  
92 North Road Adam  
Applicant requests relief from Town Code §330-167(B)(3) to permit a change from one non-conforming use to another nonconforming use without the benefit of building permits, to wit, from three single-family dwellings to a two-family dwelling with covered porch, a two-family one-story dwelling with cellar and a one-family one-story dwelling and any other relief necessary.

**Held over from the 11/19/15 meeting; adjourned from the 1/7/16 meeting:**

10. **Carlo & Jennifer Gabrielli** (appl. 1500033) 900-59-2-14 North Sea  
21 Third Road Helene  
In an e-mail dated August 20, 2015, Agena Rigdon, agent for the applicant, advised the Board that the proposed swimming pool has been relocated and requires additional variances, including relief from the following provisions of the Town Code: 1. (A) §330-11 (residential districts table of dimensional regulations) for a distance from street setback of 22.7 feet where 40 feet is required, (B) §330-76D (placement of accessory buildings and uses in all districts) and (C) §330-83(C) (yards), to allow the proposed swimming pool to be located within the required front yard; 2. §330-77D (placement of accessory buildings and use in residence districts) for a proposed rear yard coverage of 34.95% where a maximum of 20% is permitted. In addition, applicant requests relief from §330-11 for total lot coverage of 21.2% where a maximum of 20% is permitted and any other relief necessary.

**Held over from the 1/21/16 meeting:**

11. **720 North Sea Road, LLC.** (appl. 1600005) Keith 900-130-2-11 North Sea  
720 North Sea Road  
Applicant requests relief from Town Code §330-167(B)(3) (specific types of variances) to allow a change from one nonconforming use to another, to wit, from a residential and commercial use (restaurant) to a landscape business with apartment above and any other relief necessary.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
March 3, 2016  
Page four of six**

**HOLDOVER APPLICATIONS (Continued)**

**SCTM – HAMLET**

**Adjourned from the 11/19/15 and the 1/21/15 meeting:**

12. **102 Red Creek, LLC** (appl. 1500167) Laura 900-152-1-33 Hampton Bays  
102 Red Creek Road  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed lot line modification: For proposed Lot 1 - (i) to allow a lot area of 39,959 square feet where 120,000 square feet is required, (ii) a lot width of 97.66 feet where 200 feet is required. In addition, applicant requests the following relief from Town Code §330-11: (i) an accessory side yard setback of 10 feet where 30 feet is required for a proposed tennis court and (ii) a minimum side yard setback of 17.2 feet where 30 feet is required and a total side yard setback of 50.4 where 75 feet is required for the proposed principal building on a nonconforming lot and any other relief necessary.

**Adjourned from the 11/19/15 and the 1/21/16 meeting:**

13. **98 Red Creek, LLC.** (appl. 1500169) Laura 900-152-1-34 Hampton Bays  
98 Red Creek Road  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed lot line modification: For proposed Lot 2— (i) to allow a lot area of 59,260 square feet where 120,000 square feet is required and (ii) a lot width of 117.66 feet where 200 feet is required. In addition, applicant requests relief from the following provisions of the Town Code: 1. §330-11 to allow: (a) a minimum side yard setback of 17.2 feet where 30 feet is required, (b) a total side yard of 36.2 feet where 75 feet is required; and (c) §330-84D for a proposed pyramid encroachment in the amount of 4,467 cubic feet; all for the proposed principal dwelling with attached garage; and 2. §330-11 for an accessory side yard setback of 15.8 feet where 30 is required for a proposed swimming pool. Applicant also requests relief from Town Code §330-167(B)(1)(a) (specific types of variances) to permit a new dwelling and a renovation and expansion of an existing non-conforming beach house on a nonconforming lot and any other relief necessary.

**HOLDOVER APPLICATIONS  
(From the February 18, 2016 meeting)**

**SCTM – HAMLET**

**Held over from the 1/7/16 meeting:**

14. **The Tina Silver Lieberman 2003 Family Trust** (appl. 1500191)  
611 Dune Road Brian 900-391-2-41 Westhampton  
Applicant requests relief from Town Code §138-17(C) (nonconforming buildings and structures) to allow the construction of proposed two-story dwelling on a nonconforming lot within a Coastal Erosion Hazard Area where the reconstruction of a non-conforming building or structure is prohibited and requires the building or structure to be relocated, redesigned and /or reengineered to meet all setbacks, structural and other requirements of this chapter. In addition, applicant requests relief from Town Code §330-11 - Note 6 (residential districts table of dimensional regulations) and §330-84(E) (Height) for a proposed building height of 45 feet in a FEMA VE-16 flood zone where a maximum height of 42 feet is permitted and any other relief necessary.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
March 3, 2016  
Page five of six**

\*\*\*\*\*

**Applicants from the February 18, 2016 meeting that had requested an adjournment prior to the meeting:**

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Held over from the 9/6/12 meeting; adjourned from the 1/3/13, 4/18/13, 10/3/13, 4/3/14, 10/2/14, 1/15/15, 5/21/15, 11/05/15 meeting:**

15. **Southampton Day Camp Realty LLC (Change of Use)** (appl.1200091)  
665 Majors Path David 900-97-3-17.1 North Sea  
Applicant requests a variance pursuant to Town Code §330-167(B)(3) to allow a change from one nonconforming use to another nonconforming use, that is, from an existing seasonal tennis camp to a seasonal day camp and any other relief necessary.

**Held over from the 10/1/15 meeting; Adjourned from the 11/19/15 and the 1/7/16 meeting:**

16. **Vanderbilt Nursery General Contracting, Corp.** (appl. 1500147)  
181Hayground Road Adam 900-84-1-5.9 Bridgehampton  
Pursuant to New York State Town Law §267-a, applicant appeals Notice of Violation #CMP15-115, issued on April 29, 2015, by the Town's Investigation and Enforcement Unit stating that the use of the property has been changed from a Nursery to Landscaping Storage and any other relief necessary.

**Held over from the 12/3/15 meeting:**

17. **F & E Realty Company** (appl. 1500177) Denise— 900-221-6-1 Hampton Bays  
172 West Montauk Highway  
Applicant requests an interpretation that the proposed 855 square foot convenience store is a customary accessory use to the existing gasoline station at the subject premises and (if necessary) relief from Town Code §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) to allow a proposed 235 square foot office/storage area for the mechanic shop. 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 parking spaces, where a minimum of 20 spaces is required, 2. §330-34 (business districts table of dimensional regulations) for principal front yard setback of 26 feet where 30 feet is required for the proposed canopy, 3. Wall signs: §330-205A(1) (general provisions): To allow two wall signs to be erected upon the southerly façade where one wall sign is permitted on any wall facing a public street, 4. Freestanding signs: (general provisions): (i) §330-205B(2): For a proposed front setback of 6 feet where a 20 foot minimum setback is required, and (ii) §330-205B(2): To allow the proposed sign to be located within the corner clearance area (as defined in §330-201) and where no freestanding sign is allowed to be located within the corner clearance area and any other relief necessary.

**Southampton Town Zoning Board of Appeals  
Public Hearing Agenda  
March 3, 2016  
Page six of six**

<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Anthony & Peta Anne Hermann (written submissions by 2/4/16)	Brian	1/7/16	900-233-1-26.1	Shinnecock Hills
Cynthia Mack & John Johnson (written submissions)	Keith	10/1/15	900-53-1-19.1&85	Bridgehampton
118 Dune Road Realty, LLC (written submissions)	Herb	2/4/16	900-134-3-3	Bridgehampton

<u>DECISIONS</u> <u>(From the February 18, 2016 meeting)</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Assembly of Christian Churches (a.k.a. Rock of Salvation Church) (written submissions)	Adam	1/7/16	900-221-3-8	Hampton Bays
No Hotel Investors, LLC (written submissions)	Brian	11/5/15	900-323-2-15	Hampton Bays
RSA Southampton, LLC	Keith	6/4/15	900-99-1-5	North Sea
DNJ Properties II, LLC (written submissions)	Laura	2/4/16	900-64-1-62.1	North Sea
William Pell & Sara Fitzsimons (written submissions)	Helene	2/4/16	900-92-2-15	North Sea
Nilay Oza (written submissions)	Adam	2/4/16	900-26-1-48	Sag Harbor
Longview Land Company, LLC (Beau Enterprises Marina, LLC (Cow Fish) – Applicant	Adam	2/4/16	900-229-2-1	Hampton Bays
Allison Schneider (written submissions)	Keith	2/4/16	900-373-1-11	East Quogue
Robert James Wallace	Keith	2/4/16	900-115-3-4	Water Mill
Candido Goncalves (written submissions)	Adam	1/7/16	900-359-1-35.11	Quogue
Loris Nazarian (written submissions)	Brian	10/1/15	900-171-1-2	Noyac