

# 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 7, 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](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 this meeting

### NEW APPLICATIONS

### SCTM – HAMLET

- Hubertus M. Frowein** (appl. 1600036) 900-77-1-6 North Sea  
29 Harris Lane

Applicant requests relief from the following provision of the Town Code §330-115C (continuance) for a front yard setback of 35.2 feet where 40.2 feet is permitted legalize a canopy over an elevated landing (covered entry) constructed without the benefit of a building permit on a nonconforming lot and any other relief necessary.
- Narrow Lane Property, LLC.** (appl. 1600037) 900-81-1-25.3 Water Mill  
138 Narrow Lane Laura

Applicant requests relief from the Town Code for a proposed tennis court to be located within a rear yard: §330-11(Residence Districts Table of Dimensional Regulations): i) 10 feet from the northerly lot line and 10 feet from the westerly lot line where the required minimum accessory setback is 30 feet, ii) §330-77( Placement of accessory buildings and uses in residence districts): §330-77.D: Accessory structures to be located in the required rear yard for a principal building shall not occupy more than 20% of such required rear yard, except for decks and patios within 12 inches of grade and any other relief necessary.

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**NEW APPLICATIONS (Continued)**

**SCTM – HAMLET**

3. **Elizabeth Waters** (appl. 1600040) Keith 900-186-2-13 Hampton Bays  
6 Squires Terrace  
Applicant requests relief from the following provisions of the Town Code to allow a proposed accessory building (pool house) with attached storage shed and attached deck to be located within the required front yard of the principal building on a nonconforming lot: (i) §330-83C (yards), (ii) §330-76D (placement of accessory buildings and uses in all district), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of 26.3 feet from Squires Court where 50 feet is required and any other relief necessary.
  
4. **Marianna Dziuba** (appl. 1600041) Helene 900-26-1-52 Sag Harbor  
26 Lily Pond Drive  
Applicant requests a determination that the subject parcel SCTM# 900-26-1-52 is held in single and separate ownership from the adjacent parcels and thus entitled to relief pursuant to §330-115D and any other relief necessary.
  
5. **Sung-Ho Perry Lee** (appl. 1600039) Laura 900-31-2-13 North Sea  
28 Pine Tree Road  
Applicant is requesting relief from the Town Code for a proposed in-ground pool to be located in a front yard: §330-11(residence districts table of dimensional regulations): i) 15 feet from the easterly front lot line where the required minimum accessory setback is 50 feet, ii) §330-83(yards): §330-83.C: To allow the pool to be located within a required principal front yard, and iii) §330-76 (placement of accessory buildings and uses in all districts): §330-76.D: To allow an accessory structure(the pool) to be located within a required front yard and any other relief necessary.
  
6. **Southampton Community Housing & Development Corporation** (appl. 1600038)  
9 North Jones Road Thomas 900-251-2-4.1 East Quogue  
Applicant requests relief from Town Code §330-11(Residence Districts Table of Dimensional Regulations) for a principal front yard setback of 35 feet where 40 feet is required to legalize a covered front porch and any other relief necessary.
  
7. **277 Surfside LLC** (appl. 1600042) Brian 900-117-2-22 Bridgehampton  
277 Surfside Drive  
Applicant requests relief from the following provisions of the Town Code to allow a proposed cabana, that would include an outdoor kitchen and bathroom enclosure, to be located within the required minimum and total side yard of the principal building on a nonconforming lot: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C (yards), and (iii) Article IX(Coastal Erosion Hazard Adjacent Areas): §330-46.2 (adjacent areas): §330-46.2(4)(b): for an accessory side yard setback of 10.3 feet where 20 feet is required, and §330-46.2(4)(a): for a total side yard of 31 feet where 50 feet is required, and for a total side yard of 47.7 feet where 50 feet is required for that portion of the proposed patio that falls between the principal structure and the proposed canopy and any other relief necessary.

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**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

8. **Holonoco, LLC.** (appl. 1600015) Helene 900-368-3-29 Remsenburg/Speonk  
19 Matthews Drive  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed two-lot subdivision: (i) a proposed lot area of 19,576 square feet where 20,000 square feet is required and a proposed lot width of 102.64 feet where 120 feet is required for proposed Lot 1 and (ii) a proposed lot area of 19,831 square feet where 20,000 is required and a proposed lot width of 107.36 feet where 120 feet is required for proposed Lot 2 and any other relief necessary.

**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 9/3/15 meeting; Adjourned from the 11/19/15 and the 1/21/16 meeting:**

9. **Citarelli, LLC.** (appl. 1500133) Denise 900-369-3-6 Westhampton  
137 Montauk Highway  
Applicant requests relief from Town Code §330-6 (general regulations) and Town Code §330-167(B)(3) (specific types of variances) to permit a change from one nonconforming use to another nonconforming use, to wit, from a commercial Newspaper printing and publishing business to: (i) an office/retail, and (ii) a special trade contractor and storage use on a nonconforming lot and any other relief necessary.

**Held over from the 11/5/15; adjourned from the 12/3/15 and the 1/21/16 meeting:**

10. **600 Mecox Road, LLC** (appl. 1500162) Adam 900-104-2-23 Water Mill  
600 Mecox Road  
Applicant requests relief from Town Code §330-135D (Housing for agricultural labor) for a side yard setback of 88 feet from the southerly property line where 200 feet is required for a proposed groom's quarters and any other relief necessary.

**Adjourned from the 1/21/16 and 3/3/16 meeting:**

11. **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.

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**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 3/3/16 meeting:**

12. **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.

**Held over from the 12/3/15 meeting; adjourned from the 3/3/16 meeting:**

13. **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.

**HOLDOVER APPLICATIONS (Continued)**

**SCTM – HAMLET**

**Held over from the 10/1/15 meeting; Adjourned from the 11/19/15, 1/7/16 and the 3/3/16 meeting:**

14. **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.

<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Antonio Estadella (written submissions)	Laura	3/3/16	900-44-2-5	North Sea
Cynthia Mack & John Johnson (written submissions)	Keith	10/1/15	900-53-1-19.1&85	Bridgehampton
No Hotel Investors, LLC (written submissions)	Brian	11/5/15	900-323-2-15	Hampton Bays
RSA Southampton, LLC (Final Adjournment)	Keith	6/4/15	900-99-1-5	North Sea
Loris Nazarian (written submissions)	Brian	10/1/15	900-171-1-2	Noyac
Bruce Milliken & Katherine O. Milliken (written submissions)	Helene	3/17/16	900-76-4-39.2	North Sea
Craig M. Proce	Laura	3/17/16	900-5-5-28.1	Noyac
J.A.F. Real Property, Inc. (written submissions)	Keith	3/17/16	900-355-3-36	Westhampton
John & Nancy Paganucci	Helene	3/17/16	900-259-2-43.22	Hampton Bays
Thomas Didomenico (written submissions)	Laura	3/17/16	900-52-2-48.1	Bridgehampton

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Cynthia Myers Bartlett	Adam	3/17/16	900-232-2-35	Shinnecock Hills
Russell Patrick	Helene	3/17/16	900-9-2-41	Noyac
143 Mid Ocean, LLC (written submissions)	Brian	3/17/16	900-134-4-49.4	Bridgehampton
Joseph Andreassi	Brian	3/17/16	900-32-1-10	North Sea
Lorne Zingone (written submissions)	Adam	3/3/16	900-77-4-39.2	North Sea
Allison Schneider (written submissions)	Keith	2/4/16	900-373-1-11	East Quogue