

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
May 19, 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. **Rosko Farm Realty, LLC** (appl. 1600060) Thomas 900-158-2-28.9 Shinnecock Hills
22 Rosko Lane
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 40 feet where 60 feet is required for a proposed two-story dwelling and any other relief necessary.
2. **Rosko Farm Realty, LLC** (appl. 1600059) Helene 900-158-2-28.5 Shinnecock Hills
6 Rosko Lane
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 35 feet where 40 feet is required for a proposed porch of a proposed dwelling and a principal rear yard setback of 31 feet where 60 feet is required for the proposed two-story dwelling on a nonconforming lot and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

3. **Aven Development, Inc.** (appl. 1600063) Herb 900-18-1-33.1 Noyac
3980 Noyac Road
Applicant requests relief from Town Code §330-109(A)(2), (A)(3) and (A)(11) (fences, walls, accessory driveway structures, and clotheslines) to allow a proposed 8 foot high fence to be installed in the front, side and rear yards of the subject premises and any other relief necessary.

4. **Debra Klein** (appl. 1600061) Adam 900-232-2-20 Shinnecock Hills
46 Hawthorne Road
Applicant requests relief from the following provisions of the Town Code: 1. For the location of a proposed detached garage: (i) §330-11 (residence districts table of dimensional regulations) as it relates to §330-5(definitions) subsection (B)(3) of the definition of Lot Line, Front, for an accessory rear yard setback of 20 feet where 40 feet is required; 2. To legalize part of a sports court that straddles between the subject parcel and the abutting westerly parcel and constructed within the required minimum and total side yard of the principal building without the benefit of a building permit: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C(yards), and (iii) §330-115(D)(5) (continuance) for an accessory side yard setback of 0 feet where 10 feet is permitted on a nonconforming lot and any other relief necessary.

5. **David & Abby Salzman** (appl. 1600062) Adam 900-232-2-19 Shinnecock Hills
50 Hawthorne Road
Applicant requests relief from the following provisions of the Town Code to legalize part of a sports court that straddles between the subject parcel and the abutting easterly parcel constructed within the required minimum and total side yard of the principal building without the benefit of a building permit: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C(yards), and (iii) §330-115(D)(5) (continuance) for an accessory side yard setback of 0 feet where 10 feet is permitted on a nonconforming lot and any other relief necessary.

6. **460 Water Mill Towd, LLC** (appl. 1600065) Laura 900-64-2-53 North Sea
460 Water Mill Towd Road
Applicant requests relief from the following provisions of the Town Code to allow a proposed swimming pool to be located within the required front yard of the principal building on a nonconforming: (i) §330-76D (placement of accessory buildings and uses in all districts), (ii) §330-83C (yards) and (iii) §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 41.5 feet where 110 feet is required on a nonconforming lot and any other relief necessary.

7. **Austin J. McGuire** (appl. 1600064) Brian 900-15-1-37.1 Noyac
61 Long Beach Lane
Applicant requests relief from Town Code: i) §330-76D (placement of accessory buildings and uses in all districts) and ii) §330-83C (yards) to allow the proposed detached garage to be located within the minimum and total required side yard of the principal building, and iii) §330-84(D) (pyramid height) for the proposed detached garage on a nonconforming lot and any other relief necessary.

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READVERTISED APPLICATIONS

SCTM – HAMLET

8. **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.
9. **Sag Waterview, LLC** (appl. 1600044) Herb 900-19-1-34 Noayc
4295 Noyack Road
Applicant seeks to change from one nonconforming use (four single family dwellings) to another nonconforming use (two single family dwellings) pursuant to Town Code §330-117 (change) and §330-167B(3) (specific types of variances). In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory distance of street setback to 51.5 feet where 70 feet is required for a proposed swimming pool on a nonconforming lot and any other relief necessary.

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 12/3/15 and the 2/4/16 meeting:

10. **Frederick Foelsch** (appl. 1500179) Laura 900-123-1-34 Flanders
169 Sylvan Lane
Applicant requests relief from Town Code §330-84D (pyramid height) for a pyramid encroachment in the amount of 407 cubic feet and relief from §330-11 (residential districts table of dimensional regulations) for accessory side yard setbacks to 1.3 feet and 2.1 feet where 8 feet is required and accessory rear yard setbacks to 0.9 feet and 3.5 feet where 8 feet is required; all to legalize a shed constructed without the benefit of a building permit on a nonconforming lot. In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for total lot coverage in excess of the maximum allowable coverage of 20% and any other relief necessary.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

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HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 1/21/16 meeting; adjourned from the 3/3/16 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.

Held over from the 11/5/15; adjourned from the 12/3/15, 1/21/16 and the 4/7/16 meeting:

12. **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, 3/3/16, and the 4/7/16 meeting:

13. **Robert J. Mitzman & Thea Mitzman** (appl. 1600007) Keith 900-104-2-4 Water Mill
528 Mecox Road
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.

Held over from the 12/3/15 meeting; adjourned from the 3/3/16 and the 4/7/16 meeting:

14. **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.

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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 10/1/15 meeting; Adjourned from the 11/19/15, 1/7/16, 3/3/16 and the 4/7/16 meeting:

15. **Vanderbilt Nursery General Contracting, Corp.** (appl. 1500147)
181 Hayground 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.

AMENDMENT REQUEST

SCTM – HAMLET

16. **Laura Friedrich** (appl.) Brian 900-99-3-13.7 North Sea
26 Long Springs Road
(5/12/16 sent e-mail to Katie re: wording)

DECISIONS

DATE CLOSED

SCTM – HAMLET

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
Ronald M. Dubin & Betty Dubin	Adam	4/21/16	900-191-3-7.3 Hampton Bays
102 Red Creek, LLC (written submissions)	Laura	4/21/16	900-152-1-33 Hampton Bays
98 Red Creek, LLC (written submissions)	Laura	4/21/16	900-152-1-34 Hampton Bays
The Tina Silver Lieberman 2003 Family Trust	Brian	3/3/16	900-391-2-41 Westhampton
RSA Southampton, LLC	Keith	6/4/15	900-99-1-5 North Sea
Lorne Zingone	Adam	3/3/16	900-77-4-39.2 North Sea

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
575-541 County Road 39A, LLC (written submissions)	Laura	5/5/16	900-158-1-14.3	Tuckahoe
Michael Quinlan (written submissions)	Helene	5/5/16	900-317-2-11	East Quogue
Alan R. Sayles & Alyra Hoffman	Brian	5/5/16	900-24-4-37.1	Noyac
Hubertus M. Frowein (written submissions)	Keith	5/5/16	900-77-1-6	North Sea
106 Newtown Road, LLC (written submissions)	Adam	5/5/16	900-186-2-37	Hampton Bays
Carlo & Jennifer Gabrielli	Helene	5/5/16	900-59-2-14	North Sea
Craig Nobert & Lisa Dabney	Herb	5/5/16	900-65-2-3.36	Water Mill
Winslow W. Peters Jr. & Ella Peters Revocable Trust (written submissions)	Helene	4/21/16	900-35-2-59	Bridgehampton
Michael Sarkozi & Ronald Shuma	Brian	4/21/16	900-88-1-8.1	Bridgehampton
Sung-Ho Perry Lee (written submissions)	Laura	4/21/16	900-31-2-13	North Sea