

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
June 16, 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. **Richard A. Dietl** (appl. 1600078) Adam 900-347-1-20.1 Hampton Bays
11 Lighthouse Road
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling on a nonconforming lot: (i) §330-11 for a proposed total side yard setback of 41.2 feet where 60 feet is required, a proposed height of 40 feet to the top of the cupola where a maximum of 32 feet is permitted, a proposed height of 32'-5" to the top of the ridge of the proposed dwelling where a maximum of 32 feet is permitted, (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 774 cubic feet on the South side and 774 cubic feet on the North side; 2. To allow the proposed stone patio/deck to be located within the required front yard: (i) §330-76(D) (placement of accessory buildings and uses in all districts), (ii) §330-83(C) (yards), and (iii) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setbacks of 6 feet on the North side and South side where 20 feet is required, and a front yard setback of 51.8 feet where 70 feet is required; 3. To allow the proposed gazebo to be located within the required front yard: (i) §330-76(D) (placement of accessory buildings and uses, (ii) §330-83(C) (yards), and (iii) §330-11 for a front yard setback of 57 feet where 70 feet is required; 4. To allow the proposed swimming pool with attached spa to be located within the required front yard: (i) §330-76(D) (placement of accessory buildings and uses, (ii) §330-83(C) (yards), and (iii) §330-11 for a front yard setback of 52.8 feet where 70 feet is required; 5. For the proposed deck between the proposed dwelling and the proposed garage: §330-11 for an accessory structure setback of 16.5 feet where 20 feet is required; 6. For the proposed Volleyball Court: §330-11 for an accessory side yard setback of 12.6 feet where 20 feet is required; 7. For the proposed Bocce Ball Court: §330-11 as it relates to §330-5(definitions) subsection (B)(3) definition of Lot Line, Front, for an accessory rear yard setback of 26.4 feet where 40 feet is required and an accessory side yard setback of 19.1 feet where 20 feet is required; and 8. Applicant requests a determination as to whether or not the proposed two-story 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 its use and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

2. **Laura A. Weinbrecht** (appl. 1600079) Helene 900-264-1-20 Hampton Bays
18 Fanning Avenue
Applicant requests relief from the following provisions of the Town Code: 1. §330-115(C) (continuance) for a principal front yard setback to 20'-3.5" where 25.3 feet is existing to legalize a front portico constructed without the benefit a building permit; and 2. §330-11 (residential districts table of dimensional regulations) for a rear yard setback to 7.3 feet where 10 feet is required and §330-84D (pyramid height) to legalize a shed constructed without the benefit of a building permit on a nonconforming lot and any other relief necessary.

3. **Richard Perello** (appl. 1600080) Brian 900-62-2-58 North Sea
1562 Majors Path
Applicant appeals the decision of the Building Inspector as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that the conversion of the existing framed garage into a recreation building(work started without the benefit of a building permit and remains substantially incomplete), the proposed two car garage, and the proposed conversion of the existing recreation building into an accessory apartment are not a subordinate or incidental buildings because of the size in proportion to the main dwelling and the uses. In addition, applicant requests relief from the following provisions of the Town Code: (1) To permit the conversion of a 1-Story frame building used a recreation building into an accessory apartment: (i) §330-11.2(F) (accessory apartment special standards) for a lot area of 41,835.67 square feet where 160,000 square feet is required (80% of required 200,000 square feet), an accessory side yard setback to 26 feet where 35 feet is required (70% of the required 50 feet) for the existing 1-story frame building, an accessory side yard setback to 16.4 feet where 35 feet is required (70% of the required 50 feet) for the existing frame garage (which is being converted into a recreation building), and an accessory rear yard setback to 20 feet where 35 feet is required (70% of the required 50 feet) for the proposed two-car garage; (ii) §330-11.2(G)(1) to allow the accessory apartment to be 40% 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 space for the accessory apartment to be located within the required front yard where and such space shall not be located in the required minimum front yard on a nonconforming lot and any other relief necessary.

4. **McDaid Family Trust** (appl. 1600081) Laura 900-71-3-23.1 Bridgehampton
73 Norris Lane
Applicant requests relief from the following provisions of the Town Code legalize structures constructed without the benefit of building permits on a nonconforming lot: 1. To legalize an addition to the northerly shed: §330-84(D) (pyramid height) for an encroachment in the amount of 214.89 cubic feet, 2. To legalize the southerly shed that is 12.3'x 20.3': §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 9.4 feet where 10 feet is required, 3. To legalize the southerly shed that is 10.1'x 14.2': §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 6.1 feet where 20 feet is required and §330-84(D) for an encroachment in the amount of 0.047 cubic feet, 4. §330-11 to allow the existing sports court to remain with an accessory side yard setback of 18 feet(+/-) where a minimum side yard setback of 20 feet is required and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

5. **Michael Sonnenfeldt** (appl. 1600082) Thomas 900-134-2-25.2 Bridgehampton
1135 Mecox Road
Applicant requests relief from the following provisions of the Town Code for a proposed dwelling on a nonconforming lot: (i) §330-115(C) (continuance) for a proposed principal rear yard setback of 19 feet where 45 feet is existing, a proposed principal front yard setback of 44.9 feet from Mecox Road where 61.1 feet is existing and (ii) §330-84(D) (pyramid height) for a proposed encroachment in the amount of 1,224.5 cubic feet and any other relief necessary.
6. **Nelson Mendez-Lopez** (appl. 1600083) Keith 900-120-3-26 Flanders
128 Priscilla Avenue
SCTM# 900-120-3-26. Applicant requests a determination that the subject parcel SCTM# 900-120-3-26 is held in single and separate ownership from the all adjacent parcels and thus entitled to relief pursuant to §330-115D. If the Board finds the subject parcel to be a single and separate parcel, then applicant requests relief from Town Code §330-84(D) (pyramid height) for a total proposed encroachment in the amount of 2,272.2 cubic feet (1,662.7 on the West + 609.5 on the East) for the proposed two-story dwelling on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Adjourned from the 5/19/16 meeting:

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.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

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HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 3/3/16 meeting; adjourned from the 5/5/16 meeting:

8. **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.

Held over from the 3/17/16 and the 5/5/16 meeting::

9. **337 Montauk Highway, LLC & 329 Montauk Highway, LLC** (appl. 1600031)
337 Montauk Highway & 329 Montauk Highway
900-133-1-17.1 & 18.1 Laura Water Mill.
For SCTM #900-133-1-18.1: applicant seeks the following relief from Town Code 330-116 as it relates to Town Code 330-167B(3) to change from one nonconforming use to another, to wit, from a multi-use compound with landscape and related businesses to a health and wellness destination spa facility with one dwelling for the manager and 14 accessory spa suites to be used as lodging for overnight patrons and other related buildings and structures. For SCTM# 900-133-1-17.1, applicant requests a use variance, that is, relief from Town Code 330-6 (general regulations) and 330-10 (residential districts table of use regulations) to allow this nonconforming use to be located on a parcel where a two story one family dwelling with attached deck currently exists on a nonconforming lot and any other relief necessary.

Held over from the 5/19/16 meeting:

10. **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.

Adjourned from the 1/21/16, 3/3/16, 4/7/16 and the 5/19/16 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 5/19/16 meeting:

12. **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.

Held over from the 6/2/16 meeting:

13. **Lake Creek Properties, LLC** (appl. 1600076) 900-118-2-8 Riverside
30 Flanders Road, Rte. 24 Herb
Applicant requests relief from the applicable provisions of Town Code as follows: 1. To legalize and maintain an internally illuminated freestanding single pole sign constructed with other than wood or wood appearing design components: i) §330-207(Illuminated Signs): §330-207.A: internally illuminated signs are only allowed within the Highway Business zoning district ii) § 330-131.1(Restaurants, fast-food): § 330-131.1.V(1): To allow a sign with an area of 88 square feet where no more than 20 square feet is permitted, iii) § 330-131.1.V(1):To allow a sign with a height of 17 feet where 7 feet is permitted and, iv) § 330-131.1.V(1): To allow a sign with a setback of 13.5 feet from the property line where a minimum setback of 20 feet is required, v) §330-206(Zoning Districts): §330-206A: Only wood or wood appearing signs are permitted within the Village Business zoning district, 2. To legalize and maintain an internally illuminated mansard roof sign constructed with other than wood or wood appearing design components: i) § 330-131.1(Restaurants, fast-food): §330-131.1.V(2): To allow a mansard roof sign where only a wall sign mounted flat against the building is permitted, ii) §330-131.1.V(2): To allow a mansard roof sign with an area of 35 square feet where the size of which shall not exceed 10% of the area of the building facade on which it is mounted but in no event more than 24 square feet in total, iii) §330-207(Illuminated Signs): §330-207.A: internally illuminated signs are only allowed within the Highway Business zoning district, iv) §330-206(Zoning Districts): §330-206A: Only wood or wood appearing signs are permitted within the Village Business zoning district, 3. For two proposed internally illuminated single sided freestanding menu board signs: § 330-131.2(Restaurants, drive-through): i) § 330-131.2.D: Two freestanding menu board signs, each sign having an of 41 square feet are proposed, and where no freestanding order or menu boards shall be permitted, ii) §330-207(Illuminated Signs): §330-207.A: The proposed internally illuminated signs are not allowed within the Highway Business zoning district, 4. For two proposed illuminated freestanding canopies with signage and LCD menu confirmation display area: i) §330-131.1(Restaurants, fast-food): § 330-131.1.V(1): To allow two additional freestanding canopy signs in addition to the existing freestanding sign where one freestanding sign is permitted, ii) § 330-131.2.D: No freestanding order or menu boards shall be permitted and where each of the two canopy columns include an illuminated LCD menu confirmation display area and any other relief necessary.

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Loris Nazarian (written submissions)	Brian	10/1/15	900-171-1-2	Noyac
600 Mecox Road, LLC (written submission from public by May 26 th and from attorneys & agent for applicant by June 3 rd)	Adam	5/19/16	900-104-2-23	Water Mill
F&E Realty Company	Thomas	5/19/16	900-221-6-1	Hampton Bays
Kevin Frank	Keith	6/2/16	900-323-1-32.3	Hampton Bays
Nicholas Apps	Thomas	6/2/16	900-345-1-45	Hampton Bays
Robert & Laurie O’Kunewicz (written submissions)	Adam	6/2/16	900-19-1-32	Noyac
Perfect Homes, LLC	Herb	6/2/16	900-341-1-82	East Quogue
George W. Desmarais	Thomas	6/2/16	900-340-2-40	East Quogue
Robyn Siegel & Jason Lash (written submissions)	Brian	6/2/16	900-5-2-13	Noyac
Elizabeth Waters	Keith	6/2/16	900-186-2-13	Hampton Bays
Austin J. McGuire	Brian	5/19/16	900-15-1-37.1	Noyac
Cynthia Mack & John Johnson	Keith	6/2/16	900-53-1-19.1 & 85	Bridgehampton
575-541 County Road 39A, LLC (written submissions)	Laura	5/5/16	900-158-1-14.3	Tuckahoe