

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
July 21, 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

1. **18 Seven Ponds, LLC.** (appl.1600095) Laura 900-132-3-21.1 Water Mill
18 Seven Ponds Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback of to 83.3 feet where 90 feet is required for a proposed tennis court and any other relief necessary.

NEW APPLICATIONS

SCTM – HAMLET

2. **Vincenzo Farruggio** (appl. 1600103) Brian 900-291-1-25 East Quogue
7 Shinnecock Avenue
Applicant requests that ZBA Decision #4980 dated July 15, 1977 be modified to remove the 1 year covenant to build and any other relief necessary.
3. **Frank Curto** (appl. 1600097) Keith 900-190-3-12 Hampton Bays
3 Sunset Ridge
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed 1-story addition to the existing dwelling on a nonconforming lot: (i) §330-115(C) (continuance) for a principal minimum side yard setback of 11.1 feet where 11.9 feet is existing and a total side yard setback of 23.7 where 24.5 feet, and (ii) §330-84(D) (pyramid height) for a proposed encroachment in the amount of 30.76 cubic feet , 2. For a proposed covered front porch: §330-11 (residence districts table of dimensional regulations) for a principal front yard setback of 38.8 feet where 40 feet is required, 3. To legalize a frame shed with attached wood ramp constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 4 feet where 10 feet is required and an accessory rear yard setback of 6.1 feet where 10 feet is required, and (ii) §330-84(D) for an encroachment in the amount of 667 cubic feet and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

8. **Anly Rose Pasquinelli** (appl. 1600084) Laura 900-100-2-13.1 Water Mill
527 Seven Ponds Towd Road
Applicant requests the following relief from Town Code §330-115(C) (continuance): (i) a proposed principal front yard setback of 58.4 feet where 61.6 feet is existing for a proposed addition to the existing dwelling and (ii) a proposed principal front yard setback of 54.5 feet for the proposed covered porch. In addition, applicant requests relief from Town Code §330-83(C) (yards) to allow the overhang on the proposed covered porch to encroach into the front yard on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATION

SCTM – HAMLET

Clarification Request

9. **Bartolo Raffaele & Shirley Raffaele** Brian 900-290-2-1.1 & 1.2 East Quogue
8 & 4 Baycrest Avenue
On September 16, 1983, by Decision Number 6784, the Board granted relief for a two-lot subdivision with conditions and permission for 1 year to build. One of the conditions included “The R10 regulations being granted for the principal structure only.” This decision had an expiration date of September 16, 1984. Subsequently on September 21, 1984, the Board granted a one year extension with an expiration date of September 16, 1985. As of today, the subdivision of the lots was created but no structures have been built. By letter dated June 13, 2016 John R. Bracco, architect for the current owner/applicant, is requesting to use the R10 regulations as granted in the 1983 decision instead of the current regulations which is R20.

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 10/1/15 meeting; Adjourned from the 11/19/15, 1/7/16, 3/3/16 and the 4/7/16 meeting; adjourned from the 5/19/16 meeting:

10. **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.

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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Adjourned from the 1/7/16, 2/18/16, 3/17/16, 4/21/16 and the 6/2/16 meetings:

11. **Michael Denksis** (appl. 1500093) Keith 900-234-1-3 Shinnecock Hills
300 Montauk Highway
Applicant requests relief from Town Code §330-116 (extension) as it relates to Town Code §330-167B(1)(a) (specific types of variances) to legalize an expansion of a nonconforming use, to wit, the conversion of a detached garage into 3 additional motel units without the benefit a building permit, which would result in a total of 13 units. In addition, applicant requests a determination as to whether relief is necessary to legalize the expansion of the single family dwelling which also operates as the motel's office, to wit, a 450 square foot addition to the rear of the dwelling and any other relief necessary.

Held over from the 6/16/16 meeting:

12. **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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HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Held over from the 3/3/16 meeting; adjourned from the 5/5/16 and the 6/6/16 meeting:

13. **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.

Adjourned from the 1/21/16, 3/3/16, 4/7/16, 5/19/16 and the 6/16/16 meeting:

14. **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.

Held over from the 6/16/16 meeting; adjourned from the 7/7/16 meeting:

15. **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.

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Allison Schneider (written submissions)	Keith	2/4/16	900-373-1-11	East Quogue
337 Montauk Highway, LLC & 329 Montauk Highway, LLC (written submissions)	Laura	6/16/16	900-133-1-17.1 & 18.1	Water Mill
Lake Creek Properties, LLC (written submissions)	Adam	6/16/16	900-118-2-8	Riverside
Loris Nazarian (written submissions)	Brian	10/1/15	900-171-1-2	Noyac
Grant Harder & Lisa Grossman (written submissions)	Thomas	7/7/16	900-9-2-50	Noyac
McDaid Family Trust (written submissions)	Laura	7/7/16	900-71-3-23.1	Bridgehampton
720 North Sea Road, LLC (written submissions)	Keith	7/7/16	900-130-2-11	North Sea
Kevin T. Hoey (written submissions)	Adam	7/7/16	900-148-2-6	Flanders
Thomas Welby	Adam	7/7/16	900-322-4-9	Hampton Bays
277 Surfside, LLC	Brian	7/7/16	900-117-2-22	Bridgehampton
Robyn Siegel & Jason Lash	Brian	7/7/16	900-5-2-13	Noyac