

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
September 1, 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. **Paul R. Tokarski** (appl. 1600119) Herb 900-340-2-13 East Quogue
8 Paynes Lane

Applicant is requesting relief from the Town Code as follows: 1. §330-11(Residence Districts Table of Dimensional Regulations): i) to allow an existing porch to remain with a front yard setback at 37.4 feet where a minimum front yard setback of 40 feet is required, ii) To allow an existing accessory storage building to remain with a rear yard setback of 6.1 feet and a side yard setback of 6 feet where the required minimum accessory side and rear yard setbacks are 10 feet, iii) To allow an existing shed to remain with a rear yard setback of 8.4 feet where the required minimum accessory rear yard setback is 10 feet, 2. §330-84.D(Pyramid law): With regard to the existing accessory storage building: To allow 58.1 cubic foot of volume encroachment to remain where calculated from the northerly lot line, and 118.8 cubic feet of volume encroachment to remain where calculated from the westerly lot line and any other relief necessary.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

2. **EH2, LLC** (appl. 1600120) Brian 900-115-2-30.10 Water Mill
41 Halsey Lane South
Applicant requests relief from the following provisions of the Town Code to allow a proposed tennis court 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), (iii) §330-11 (residence districts table of dimensional regulations) for accessory distance from street setbacks of 32.3 feet and 56.7 feet where 90 feet is required, and (iv) §330-77D (placement of accessory buildings and uses in residence districts) for a proposed rear yard coverage of 27.47% where a maximum of 20% is permitted and any other relief necessary.

3. **Tyler Eddy** (appl. 1600121) Keith 900-160-3-55 Water Mill
608 Flying Point Road
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed one-story addition to an existing residence on a non-conforming lot: §330-115(C) (continuance) for a principal rear yard setback of 18 feet where 25.2 feet is existing and 2. For a proposed outdoor shower: §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 22.4 feet where 30 feet is required on a nonconforming lot and any other relief necessary.

4. **Sposato Realty LP. & Rilyn Holding Corp.** (appl. 1600122) 900-359-4-32.3 Quigoue
35 Homestead Avenue Herb
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal rear yard setback of 58.1 feet where 60 feet is required for a 2nd story cantilever and any other relief necessary.

5. **Andrew Taub** (appl 1600123) Laura 900-113-3-5.23 Water Mill
16 Millfarm Lane
Applicant requests a determination that no relief from Town Code §330-84(D) (pyramid height) is required. If the Board finds that Town Code §330-84(D) is applicable, then applicant requests relief from Town Code §330-84(D) for a proposed encroachment in the amount of 370 cubic feet for a proposed two-story addition to an existing dwelling on a nonconforming lot and any other relief necessary.

6. **Herbert E. Phillips** (appl. 1600124) Keith 900-356-1-31 Westhampton
6 Booker Lane
Applicant requests relief from the following provisions of the Town Code for a proposed garage addition to the existing dwelling on a nonconforming lot: (i) §330-11 (residence districts table of dimensional regulations) for a principal front yard setback of 42.5 feet where 60 feet is required and a principal minimum side yard setback of 12.7 feet where 20 feet is required and (ii) §330-83(C) (yards) to allow the overhang to encroach into the required side yard with a setback of +/- 11.7 feet and any other relief necessary.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

7. **Hubertus Frowein** (appl. 1600125) 900-77-1-6 North Sea
29 Harris Lane
Applicant requests relief from the following provisions of the Town Code for a proposed detached garage on a nonconforming lot: (i) §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 20 feet where 70 feet is required and an accessory side yard setback of 10 feet where 20 feet is required, (ii) §330-84(D) (pyramid height), (iii) §330-76D (placement of accessory building and uses in all districts and §330-83(C) (yards) to allow the detached garage to be located within the required front yard, and (iv) §330-76(A) (placement of accessory buildings and uses in all districts) to allow the distance between the detached garage and the main dwelling to be 1'-9" where a distance of 5 feet is required and any other relief necessary. In addition, applicant requests a determination as to whether or not the proposed detached 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.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

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 7/21/16 meeting:

8. **James & Melissa Aery** (appl. 1600098) Thomas 900-99-1-21 North Sea
556 Majors Path
Applicant requests a determination as to whether or not the proposed garage building 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.

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 and the 7/21/16 meeting:

9. **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

Held over from the 3/3/16 meeting; adjourned from the 5/5/16, 6/6/16 and the 7/21/16 meeting:

10. **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 8/4/16 meeting:

11. **Didi Hutt** (appl. 1600108) Thomas 900-100-3-14.3 Water Mill
286 Seven Ponds Town Road
Applicant requests relief from the following provisions of the Town Code to locate the proposed tennis court in an East - West direction: (i) §330-11 (residential district table of dimensional regulations) for a front yard setback of 5 feet where 90 feet is required and an accessory side yard setback of 12.1 feet where 30 feet is required, and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83(C) (yards) to allow the tennis court to be located within the required front yard. In the alternative, applicant requests relief from the following provisions of the Town Code to locate the proposed tennis court in a North - South direction: (i) §330-11 (residential district table of dimensional regulations) for front yard setbacks of 12 feet and 5 feet where 90 feet is required and an accessory side yard setback of 5 feet where 30 feet is required, and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83(C) (yards) to allow the tennis court to be located within the required front yard on a nonconforming lot and any other relief necessary.

Held over from the 7/7/16 and the 8/4/16 meeting:

12. **Hightide Corp. and John Amini** (appl. 160089) 900-54-1-6 Bridgehampton
477 Bridgehampton Sag Turnpike Brian
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for a proposed total lot coverage of 24% where a maximum of 20% is permitted, (ii) §330-115(C) (continuance) for a front yard setback of 7.1 feet for the proposed deck, (iv) 330-83(A)(4) (yards) to allow a deck higher than one foot above ground level to be located within the required front yard, and (v) §330-84D (pyramid height) for a total proposed encroachment in the amount of 7,643.59 cubic feet (2,324.3 cf on the southerly side + 5,219.47 cf on the northerly side + 99.82 cf on the westerly side) and any other relief necessary.

Held over from the 7/7/16 and from the 8/4/16 meeting:

13. **CAT Properties, LLC** (appl. 1600092) Adam 900-373-2-25 East Quogue
17 Bayside Avenue
Applicant requests relief from Town Code §330-84D (pyramid height) for a total proposed encroachment in the amount of 8,328 cubic feet (1,442 cf on the East side + 6,886 cf on the West side) for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.

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HOLOVER APPLICATIONS – Continued

SCTM – HAMLET

Held over from the 8/18/16 meeting:

14. **Donald Mahoney** (appl. 1600111) Thomas 900-210-1-26 Shinnecock Hills
68 Hills Station Road
Applicant requests relief from the following provisions of Town Code to legalize an accessory apartment constructed within a detached garage without the benefit of a building permit on a nonconforming lot that is less than 30,000 square feet: (i) §330-11.2(F) (accessory apartment special standards) for a lot area of 25,412 square feet where 32,000 square feet is required (80% of the required 40,000 sf) and (ii) §330-11.2(G)(1) to allow the accessory apartment to be in excess of 35% of the total floor area of the principal dwelling and any other relief necessary.

AMENDED DECISION

SCTM – HAMLET

15. **Naile Sakmari** (appl. 1500168) Brian 900-148-3-40 Flanders
28 Indian Avenue
On August 4, 2016 by decision number D016108, this Board amended decision number D015176, dated December 4, 2015 to grant relief to increase the lot coverage from 20.2% to 20.7%. However, the amended decision contained scrivener’s errors and as such, the relief granted in decision number D016108 is being is deleted and replaced with the correct relief.

DECISIONS

DATE CLOSED

SCTM – HAMLET

WBL Developers, LLC (written submissions)	Brian	8/4/16	900-27-2-15	North Sea
Peconic Bay Marina, et al (written submissions)	Herb	6/2/16	900-176-1-50 & 24 and 900-176-2-1.3	Shinnecock Hills
Gayle Sheridan & Jennifer Truscott	Helene	8/18/16	900-376-2-3	Westhampton
Patricia Farrell-Javits & Tom A. Javits (written submissions)	Adam	8/18/16	900-81-2-20.5	Water Mill
Divya Chand	Thomas	8/18/16	900-211-3-33	Shinnecock Hills
18 Seven Ponds, LLC	Laura	8/18/16	900-132-3-21.1	Water Mill
Dushyant Chadha & Pranothi Prabhakara	Keith	8/18/16	900-45-1-20.2	North Sea
Bartolo Raffaele & Shirley Raffaele	Adam	8/18/16	900-290-2-1.1 & 1.2	East Quogue

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Cullen Family Partnership (written submissions)	Laura	8/18/16	900-27-2-3	North Sea
Raymond & Victoria Menna (written submissions)	Adam	8/4/16	900-9-1-8	Noyac
Michael Sonnenfeldt (written submissions)	Thomas	7/7/16	900-134-2-25.2	Bridgehampton
Richard A. Dietl	Adam	7/21/16	900-347-1-20.1	Hampton Bays
Robert J. Mitzman & Thea Mitzman	Keith	7/21/16	900-104-2-4	Water Mill
277 Surfside, LLC	Brian	6/16/16	900-117-2-22	Bridgehampton
Robyn Siegel & Jason Lash	Brian	6/02/16	900-5-2-13	Noyac