

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
October 6, 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.	Sand Land Corp. (appl. 1600135) 585 Middle Line Highway Applicant appeals the issuance of Certificate of Occupancy No. C160135, dated April 26, 2016, as it relates to the uses on the subject property and any other relief necessary.	Adam	900-23-1-1	Noyac
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2.	Thomas & Mary Ellen Pearson (appl. 1600136) 1428 County Road 39 Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 28.4 feet where 70 feet is required to allow the conversion of the existing one-story dwelling into an accessory building. In addition, applicant requests relief from Town Code §330-11.2F (accessory apartment special standards) for an accessory distance from street setback of 28.4 feet where 49 feet is required (70% of the required 70 feet) to allow said building to be an accessory apartment. Applicant also requests relief from Town Code §330-11 for an accessory distance from street setback of 40.5 feet where 70 feet is required for the conversion of the 1-story dwelling to storage only (no electric/plumbing). In addition, applicant requests relief from Town Code §330-11.2J(1) (accessory apartment special standards) to allow two separate access driveways where only one access driveway shall be permitted on the lot having an accessory apartment and any other relief necessary.	Helene	900-177-4-7	Shinnecock Hills
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NEW APPLICATIONS - Continued

SCTM – HAMLET

3. **Richard Chiorando & Eva M. Chiorando** (appl. 1600141) 900-232-2-33 Shinnecock Hills
5 Lenape Road Thomas
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 24.71 feet (west corner) and 27.1 feet (east corner) where 40 feet is required for a proposed two-story dwelling. Applicant also requests relief from Town Code §330-167A (specific types of variances) to permit an extension of the zoning district boundary line 50 feet west into the R-40 Zoning District and relief from Town Code §330-11 for an accessory distance of street setback of 48.3 feet from Montauk Highway where 50 feet is required for an accessory building (pool house). In the alternative applicant requests relief from Town Code §330-11 for an accessory distance from street setback of 48.3 feet where 70 is required for an accessory building (pool house) and any other relief necessary.

4. **John Tozzi** (appl. 1600137) Laura 900-134-315 Bridgehampton
77 Dune Road
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling on a nonconforming lot: (i) §330-46.2(B)(4)(b) (Adjacent Areas) for a minimum side yard setback of 11.9 feet where 12.786 feet is required and §330-84(D) (pyramid height) for a proposed encroachment in the amount of 2,077 cubic feet (825 cf on the East + 1,252 cf on the West); 2. For the proposed swimming pool: (i) §330-46.2(B)(2) (Adjacent Areas) which requires new and replaced accessory structures, in this case a pool, be setback no less than 125 feet from the crest of any and all ocean beach dunes where in this instance the applicant is proposing a 100.4 feet setback from the crest of the dune and relief from §138-7(A) (coastal erosion management permit required; compliance with provisions; effect on zoning regulations) to allow the proposed swimming pool to be located within the Coastal Erosion Hazard Area; and 3. To permit accessory parking to be located within the required front yard: §330-77A (placement of accessory buildings and uses in residence districts).

5. **Raymond R. Hann** (appl. 1600138) Herb 900-355-3-32 Westhampton
8 Corwin Place
Applicant requests relief from the following provisions of the Town Code to allow the proposed swimming pool to be located within the minimum and total required side yard of the principal building on a nonconforming lot: (i) §330-76D (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 setback of 12 feet where 20 feet is required on a nonconforming lot and any other relief necessary.

6. **Charles & Carolyn Drexel** (appl. 1600139) Brian 900-169-1-14 Flanders
96 Pleasure Drive
Applicant requests relief from Town Code §330-76D (placement of accessory buildings and uses in all districts) and Town Code §330-83(C) (yards) to allow the detached garage to be located within the total required side yard of the principal dwelling and any other relief necessary.

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NEW APPLICATIONS - Continued

SCTM – HAMLET

7. **Raymond Pawlowski** (appl. 1600140) 900-207-3-5 Hampton Bays
8 Fort Hill Road
Applicant requests relief from the following provisions of the Town Code to legalize a front 2nd story deck constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for a front yard setback of 34.7 feet where 40 feet is required and (ii) §330-83(A)(4) to permit a deck higher than 12 inches to be located within the required front yard on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

8. **Hubertus Frowein** (appl. 1600125) Thomas 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.
9. **Patricia Farrell-Javits & Tom A. Javits** (appl. 1600114) 900-81-2-20.5 Water Mill
83 Narrow Lane Adam
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed addition on the North Side of the existing dwelling: (i) §330-115(D)(3) (continuance) for a principal minimum side yard setback of 16.7 feet where 20 feet is required and a principal front yard setback of 48.5 feet where 60 feet is required, and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 2,430 cubic; 2. For the proposed additions on the North and West side of the existing dwelling: §330-115(D)(3) for a proposed total side yard setback of 47.7 feet where 60 feet is required; and 3. For a proposed swimming pool located within the required front yard: (i) §330-11 for an accessory front yard setback of 29.2 feet where 70 feet is required, §330-76(D) (placement of accessory buildings and uses in all districts) and §330-83(C) (yards). In addition, applicant requests a determination as to whether or not the proposed garage/accessory 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.

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NEW - ADJOURNED APPLICATIONS

SCTM – HAMLET

Re-Opened and adjourned from the 9/15/16 meeting:

10. **Robyn Siegel & Jason Lash** (appl. 1600048) Brian 900-5-2-13 Noyac
45 Hampton Road
Applicant is requesting relief from the Town Code as follows: 1. §330-11(Residence Districts Table of Dimensional Regulations): For a proposed two story dwelling and rear attached porch: 4 feet side yard and 8.2 feet total side yard where the required minimum side yard is 10 feet and the required minimum total side yard is 25 feet, 2. §330-76.D(Placement of accessory buildings and uses in all districts)and §330-83.C(Yards): Proposed first story front deck and outdoor shower enclosure along the westerly building façade within a required side yard and total side yard where accessory structures shall not be placed within a required side yard nor the total required side yard for a principal building, 3. §330-77.G(Placement of accessory buildings and uses in residence districts): Proposed equipment platform along the westerly building façade at 4.2 feet from the easterly lot line where a minimum of an eight-foot setback from all property lines must be maintained. 4. §330-77.F(Yards) as it relates to §330-11 (Residence Districts Table of Dimensional Regulations): For a proposed one story front deck with side yard setbacks at 4 feet from the westerly lot line and 4.6 feet from the easterly lot line, and where the required minimum accessory setback is 8 feet, 5. §330-84.D(pyramid height): For an encroachment beyond the sky plane porch in the amount of 16,277 cubic feet for the proposed principal building, and accessory structures including decks, outdoor shower, and rear porch on a nonconforming lot and any other relief necessary.

SCOPING SESSION

SCTM – HAMLET

None scheduled for this meeting

HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 8/18/16 meeting:

11. **Three Waters LLC.** (Ronald Carner – Applicant) (appl. 1600112)
422 Dune Road Laura 900-179-2-2.1 Bridgehampton
Applicant appeals the issuance of Building Permit #P074029 issued October 1, 2015 in that the elevated deck/utility platform erected at the subject premises is not a customarily incidental structure in the zoning district in which the subject premises lies and violates the regulations codified in the Town of Southampton with respect to height, pyramid and setbacks and any other relief necessary.

Held over from the 8/18/16 meeting:

12. **Emilio Bassini** (appl.1600116) Keith 900-68-1-2.27 Bridgehampton
398 Mitchells Lane
Applicant requests relief from Town Code §330-11 (residence districts table of dimensional regulations) for a principal minimum side yard setback of 27.2 feet where 30 feet is required to legalize a screened porch constructed without the benefit of a building permit and any other relief necessary.

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HOLDOVER APPLICATIONS

SCTM – HAMLET

Held over from the 9/1/16meeting:

13. **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.

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, 7/21/16 and the 9/1/16 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.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Cynthia Mack & John Johnson (written submissions) – FINAL ADJOURNMENT	Keith	6/2/16	900-53-1-19.1 & 85 Bridgehampton
M&R Properties, LLC	Herb	9/1/16	900-177-2-58.1 Shinnecock Hills
Randolph & Ellen Rose (written submissions)	Herb	9/15/16	900-380-1-46 Remsenburg/Speonk
David Salzman (written submissions)	Laura	9/15/16	900-232-2-19 Shinnecock Hills
Joseph Leo (written submissions)	Helene	9/15/16	900-324-1-13 Hampton Bays
Hawks Hill, LLC	Thomas	9/15/16	900-92-3-26 North Sea

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Marybeth A. Gorman	Herb	9/15/16	900-191-1-12	Hampton Bays
W.K.K. of New York, LLC (written submissions)	Helene	9/15/16	900-292-2-67	Hampton Bays
Jerry H. Fishman (written submissions)	Thomas	9/15/16	900-368-1-14	Remsenburg
Three J's, LLC	Brian	9/15/16	900-95-1-24	North Sea
CAT Properties, LLC (written submissions)	Adam	9/15/16	900-373-2-25	East Quogue
Didi Hutt	Thomas	9/15/16	900-100-3-14.3	Water Mill
EH2, LLC	Brian	9/1/16	900-115-2-30.10	Water Mill
Andrew Taub (written submissions)	Laura	9/1/16	900-113-3-5.23	Quiogue
Hightide Corp. & John Amini	Brian	9/1/16	900-54-1-6	Bridgehampton
WBL Developers, LLC (written submissions)	Brian	8/4/16	900-27-2-15	North Sea
Michael Sonnenfeldt (written submissions)	Thomas	7/7/16	900-134-2-25.2	Bridgehampton
Robert J. Mitzman & Thea Mitzman	Keith	7/21/16	900-104-2-4	Water Mill