

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  
January 16, 2020

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](http://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**

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**MINOR VARIANCE REVIEW**

**SCTM - HAMLET**

None scheduled for this meeting

**NEW APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 11/7/19 meeting:**

1. **J. Campo Associates** (app# 1900146) Helene 900-251-1-92.7 East Quogue  
6 Clara Drive  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 74 feet +/- where 100 feet is required for the proposed two-story dwelling and any other relief necessary.

**NEW - ADJOURNED APPLICATIONS (Continued)**

**SCTM – HAMLET**

**Adjourned from the 1/2/20meeting:**

2. **Marie Borelli** Adam 900-294-2-6.1 Hampton Bays  
61 Hampton Road  
Applicant requests relief from the following provisions of the Town Code: (i) §330-11.2F (accessory apartment special standards): (i) to allow an accessory apartment to be located on a lot that is less than 30,000 square feet; and (ii) §330-11.2G(1) to allow the total floor area (habitable living space) of the accessory apartment to be 37.5%+/- of the total floor area (habitable living space) of the main dwelling where a maximum of 35% is permitted and any other relief necessary.

**Adjourned from the 11/17/19 meeting:**

3. **Thomas R. Stachecki Living Trust (Dixon, Dreyer & Lennox – applicants)** (app# 1900158)  
1205 Majors Path Brian 900-78-1-20.1 North Sea  
Applicant appeals the issuance of Pre-existing Certificate of Occupancy No. C190097, dated April 2, 2019, for the “[p]re-existing non-conforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris)” and any other relief necessary.

**Held over from the 10/17/19 meeting; adjourned from the 11/21/19 meeting:**

4. **Thomas R. Stachecki Living Trust (Michael K. Marion & Bobbie Lynn Grund – applicants)**  
1205 Majors Path (app# 1900137) Brian 900-78-1-20.1 North Sea  
Applicants appeals the issuance of Pre-existing Certificate of Occupancy No. C190097, dated April 2, 2019, for the “[p]re-existing nonconforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris)” and any other relief necessary.

**Re-Opened and adjourned from the 11/21/19 meeting:**

5. **On The Canal Apartment Owners Corp. (Unit#9)** 900-258-1-8.1 Hampton Bays  
12 East Tiana Road Cornelius  
Applicant request relief from Town Code §330-155D (conversion to residential condominium or residential cooperative) to permit a 360 square foot expansion of Unit 9 which is located on a parcel with ten (10) residential cooperatives where the existing density of ten (10) units exceeds the maximum allowable density in the R-40 Zoning District and any other relief necessary.

**SCOPING SESSION**

**SCTM – HAMLET**

None scheduled for this meeting

**RE-OPENED AND ADJOURNED APPLICATION**

**SCTM – HAMLET**

**Held over from the 08/01/19 meeting:**

6. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders  
90 Old Quogue Road (appl. 1900070)  
Applicant appeals the decision of the Chief Building Inspector, dated March 27, 2018 as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that, he was in error in refusing to issue an updated Certificate of Occupancy to certify that an Auto Repair Business was in operation and open to the public at the subject property prior to 1957 and any other relief necessary.

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Re-Opened and adjourned from the 6/20/19 meeting; adjourned from the 7/18/19, 9/19/19 and the 11/7/19 meeting:**

7. **Tiana Bay Apartment Owners, Inc.** Brian 900-320-1-9.1 Hampton Bays  
50 Rampasture Road (app# 1900072)  
Applicant requests relief from the following provisions of the Town Code: (i) §330-155E (conversion to residential condominium or residential cooperative) to allow 59 of 60 pre-existing nonconforming units to have a floor area of less than 600 square feet; (ii) For the deck around the gazebo: §330-83A(4) (yards) to allow an existing deck higher than 1 foot above the ground to remain within the required front yard; (iii) For the gazebo: §330-11 (residential districts table of dimensional regulations) to allow an existing gazebo to have a setback of 14.9 feet where 70 feet is required, §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the gazebo to remain within the required front yard; (iv) For the wood deck on the west side of the "Bay Front" building: §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required and for an accessory front yard setback of 55.7 feet where 70 feet is required, relief from §330-83A(4) to allow a deck higher than 1 foot above the ground to remain within the required front yard; and (v) To legalize the wood deck on the east side of the "Bay Front" building: §330-11 for an accessory side yard setback to 18.3 feet where 20 feet is required and any other relief necessary.

**Held over from the 7/5/18 meeting; adjourned from the 9/20/18 and the 11/15/18 meeting; Re-Opened 3/7/19; adjourned from the 3/7/19, 3/21/19 and the 04/18/19 meeting; held over from the 5/16/19 meeting; adjourned from the 6/20/19; held over from the 7/18/19 meeting; adjourned from the 8/15/19, 10/3/19 and the 11/21/19 meeting:**

8. **KAARP Management Group, LLC** (appl. 1800076) 900-346-1-10 Hampton Bays  
17 Ludlow Lane Helene  
Applicant requests relief from the following provisions of the Town Code for the location of a proposed swimming pool: (i) 330-115D(3) (continuance) for an accessory front yard setback of 14 feet from Ludlow Lane where 50 feet is required, and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the proposed swimming pool to be located within the required front yard on a nonconforming lot and any other relief necessary. This application has been re-opened for further discussion as requested by the owner.

**HOLDOVER APPLICATIONS (Continued)**

**SCTM – HAMLET**

**Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:**

9. **JTEN Holdings, LLC** (appl. 1800093) Keith 900-231-1-32 Hampton Bays  
293 East Montauk Highway  
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard and allow the pre-existing motel parking to remain 3 feet from the side yard where a 50 foot transition yard is required; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow the parking area to be located 3 feet from the northerly property line where 10 feet is required; 0 feet from the northeasterly property line (where parking spaces cross into Edgewater parking lot) where 10 feet is required; and 3 feet from the westerly property line where 10 feet is required; (iii) Town Code §330-100F(1) (exemptions and waivers of parking and truck loading space requirements) to allow parking area to be located on adjoining sites as required for parking spaces #20 (and Edgewater #1); and (iv) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the Edgewater property, where accessory structures are to be located on the subject property. Applicant also requests relief from the following provisions of the Town Code to allow the conversion of an existing two story motel into housing for restaurant employees: (i) Town Code §330-76C (placement of accessory buildings, structures and uses in all districts) to allow an accessory building, structure, or use, on an adjacent lot to allow proposed restaurant employee housing for the principal restaurant on site and Edgewater restaurant; (ii) Town Code §330-154B (Housing for restaurant employees) to allow the proposed employee housing to be located on the site of the restaurant detached from the principal building; (iii) Town Code §330-154C to allow an existing side yard setback of 39.3 feet on the west and 15 feet on the east where a minimum setback of 50 feet is required; (iv) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (v) Town Code §330-154G to allow four two-bedroom motel units to be used as employee housing for four employees on a nonconforming lot and any other relief necessary.

**Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:**

10. **295 Montauk Highway, Inc.** (appl. 1800094) Keith 900-231-1-31 Hampton Bays  
295 East Montauk Highway  
Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 3 feet from the rear yard where 17 feet is existing on a nonconforming lot; (ii) Town Code §330-78 (placement of accessory buildings and uses in nonresidential districts) to allow parking spaces #1-12 to be located 3 feet from the rear property line (north) where 10 feet is required; 0 feet from the side (northwesterly) property line where 10 feet is required; and 2.5 feet from the easterly property line; (iii) Town Code §330-78 to allow parking space #28 to be located 3 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-100(F)(1)(exemptions and waivers of parking and truck loading space requirements) to allow a parking area (subject to Planning Board approval) to be located on the subject premises and the adjoining site to the west; and (v) Town Code §330-34 (business districts table of dimensional regulations) to allow a dumpster and dumpster pad to be located at 0 feet, straddling the lot line with the parcel to the west, where accessory structures are to be located on the subject property and any other relief necessary.

**HOLDOVER APPLICATIONS (Continued)**

**SCTM – HAMLET**

**Held over from the 08/16/18 meeting; adjourned from the 10/4/18 meeting; held over from 11/15/18 meeting; adjourned from the 1/3/19, 4/4/19, 5/2/19, 7/18/19, 09/05/19, 10/17/19 and the 11/21/19 meeting:**

11. **JTEN Properties, LLC** (appl.1800095) Keith 900-231-1-30.1 Hampton Bays  
 5 South Valley Road  
 Applicant requests relief from the following provisions of the Town Code: (i) Town Code §330-83G(1)(a) (yards) to allow a parking area 21.3 feet (spaces #20-22) from the northerly property line and 3.2 feet from the northwest corner property line where a 50 foot transition yard is required; (ii) Town Code §330-83G(2)(a) to allow a front transitional yard of 19.5 feet where 20 feet is required granted by the ZBA (this looks like 20 on the survey); (iii) Town Code §330-100F(1) and Town Code 330-78 (placement of accessory buildings and uses in nonresidential districts) to allow 10 (spaces #35-44) parking spaces from the adjacent property to the west to be located 0 feet from the side (westerly) property line where 10 feet is required; (iv) Town Code §330-167A to allow the extension of the Motel Zoning District line 47.95 feet into the more restrictive Residential-40 Zoning District to allow the premises to be zoned Motel; (v) Town Code §330-154D to allow kitchen or cooking facilities within the proposed employee housing; and (vi) Town Code §330-154G to allow two units for employee housing for two employees on a nonconforming lot and any other relief necessary.

**Held over from the 01/02/20 meeting:**

12. **Alfred Shtainer and Victoria Shtainer** Jason 900-86-4-8.1 Bridgehampton  
 163 Church Lane  
 Applicant requests relief from Town Code §330-77(D) (placement of accessory building, structures and uses in residence districts) for a rear lot coverage from the permitted 20% (1,874 sq ft) to 37% (3,482 sq ft) to permit the construction of a proposed tennis court and any other relief necessary.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Frank Franzese (written submissions)	Cornelius	08/15/19	900-378-1-5	Quiogue
Kellis Pond, LLC (written submissions)	Jason	12/19/19	900-84-1-28	Bridgehampton
Michal Patek	Helene	01/02/20	900-266-1-2.1	Hampton Bays
Mary C. McDonald (written submissions)	Adam	01/02/20	900-158-1-18.1	Tuckahoe
Jessica DeKerillis (written submissions)	Michael	12/05/19	900-31-2-30	North Sea

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**DECISIONS (Continued)**

**DATE CLOSED**

**SCTM – HAMLET**

Donato Bros Bay Avenue Realty LLC Adam  
(written submissions)

12/05/19

900-294-2-42 Hampton Bays

PMG LI, LLC Keith  
(written submissions)

12/05/19

900-256-1-1 Hampton Bays