

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
February 2, 2017

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. **Jill Schlesinger & Jacqueline Licalzi** (appl. 1700003) 900-59-1-36 North Sea
204 Towd Point Road Laura
Applicant requests relief from Town Code §330-84D (pyramid height) for a total proposed encroachment in the amount of 788 cubic feet (363 cf existing + 425 cf proposed) for a proposed 2nd story addition to the existing dwelling on a nonconforming lot and any other relief necessary.
2. **Emily Johnson** (appl. 1700004) Brian 900-232-3-28 Shinnecock Hills
38 Aqua Drive
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling: §330-84D (pyramid height) for a proposed encroachment in the amount of 8,313 +/- cubic feet, and §330-11(Residence districts table of dimensional regulations) for a proposed height of 35.575 feet above average natural grade where 32 feet is allowed, 2. For the proposed "upper deck": §330-11 (residential districts table of dimensional regulations) for a front yard setback of 25.4 feet from Lenape Road where 40 feet is required, 3. For the proposed "lower deck": §330-11 for a front yard setback of 30.3 feet from Lenape Road where 40 feet is required, 4. For the proposed "mid deck": §330-11 for a front yard setback of 14.8 feet from Lenape Road where 40 feet is required; and relief from §330-76D (placement of accessory buildings and uses in all districts), §330-83C (yards) and §330-83A(4) to allow all three decks (upper, mid and lower) which are higher than one foot above ground level to be located within the required front yard, and §330-83.D for an open exterior basement stair to be located within a required side yard. In addition, applicant requests relief from Town Code §330-11 for an accessory front yard setback of 40 feet from Shinnecock Bay where 50 feet is required and a front yard setback of 44.1 feet from Lenape Road where 50 feet is required for the proposed swimming pool with attached spa on a nonconforming lot and any other relief necessary.

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NEW APPLICATIONS – Continued

SCTM – HAMLET

3. **Paul S. Ruggiero** (appl. 1700005) Keith 900-260-6-28 Hampton Bays
26 Nassau Road
Applicant requests relief from the following provisions of the Town Code to legalize the conversion of a detached garage into an accessory apartment without the benefit of a building permit on a nonconforming lot: 1. §330-11.2F (accessory apartment special standards): (i) To allow the accessory apartment to remain on a parcel that has less than 30,000 square feet of lot area, (ii) To allow a lot area of 12,800 square feet where 16,000 square feet is required (80% of the required 20,000 sq ft), (iii) To allow a lot width of 80 feet where 84 feet is required (70% of the required 120 feet), and (iv) To allow an accessory rear yard setback of 5.7 feet where 7 feet is required (70% of the required 10 feet) for the 10' x 8.1' frame shed, and 2. §330-11.2G(1) to allow the accessory apartment to be 51.5% of the total floor area of the principal dwelling where a maximum of 35% is permitted and any other relief necessary.

4. **Patricia DiBenedetto** (appl. 1700006) Thomas 900-357-3-40 Westhampton
380 Mill Road
Applicant is requesting relief from the Town Code for a proposed freestanding sign on a nonconforming lot: Article XXII(Signs): i) §330-205.B(1) (Freestanding signs, including pole and monument signs): To allow a freestanding sign to be located within a front yard with a building(to which the sign relates) having a front setback of 9.4 feet from the southwesterly lot line, and 12.9 feet at the easterly lot line, and where a front setback of at least 40 feet is required, ii) §330-205.B(2): To allow a freestanding sign to be located 13.6 feet from the easterly lot line and 13.1 feet from the center of the arc that forms the southerly lot line where a setback of at least 20 feet is required from all property lines, and to be located within the "corner clearance" area where in no event shall any such sign be located within corner clearances and any other relief necessary.

5. **120 Highview LLC** (appl.1700007) Adam 900-18-1-77 Noyac
120 Highview Drive
Applicant requests relief from Town Code §330-77D (placement of accessory buildings and uses in residence districts) to allow a rear yard coverage of 37.78% where a maximum of 20% is permitted for the location of a proposed tennis court and any other relief necessary.

6. **CMR Unlimited Inc. & VTG Realty & Construction, LLC** (appl.1700008)
77 Lower Seven Ponds Road Thomas 900-113-2-6 Water Mill
Applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback of 41+/- feet where 49.4 feet is existing to legalize a front portico constructed without the benefit of a building permit on a nonconforming lot and any other relief necessary.

7. **Edward A. Seltenreich & Jennifer Seltenreich** (appl. 1700009)
7 Seashore Road Keith 900-291-1-17 East Quogue
Applicant requests relief from the following provisions of the Town Code: 1. For a proposed swimming pool on a nonconforming lot: (i) §330-11 (residence districts table of dimensional regulations) for an accessory distance from street setback of 10 feet where 50 feet is required and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the swimming pool to be located within the required front yard of the principal building; 2. For an outdoor BBQ/grill constructed without the benefit of a building permit: (i) §330-11 for an accessory side yard setback of 0.5 feet where 10 feet is required and an accessory rear yard setback of 9.5 feet where 10 feet is required and (ii) §330-84D (pyramid height) for an encroachment in the amount of 48.78 cubic feet and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

8. **Sand Land Corp.** (appl. 1600135) 900-23-1-1 Noyac
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.
9. **Robert M. Morgillo & Cira Morgillo** (appl. 1600187) 900-46-3-21 North Sea
7 Deer Trail Road Laura
Applicant requests relief from Town Code §330-115D(3) (continuance) for a principal rear yard setback of 25.8 feet where 50 feet is required for a proposed two-story addition to an existing residence on a nonconforming lot and any other relief necessary.

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 12/15/16 and the 1/19/17 meeting:

10. **Alan Shapiro** (appl. 1600186) Brian 900-234-3-23.1 Shinnecock Hills
23 Koral Drive
Applicant requests relief from Town Code 1. §330-11 (residential districts table of dimensional regulations) for a rear yard setback of 28.2 feet where 50 feet is required and a pyramid encroachment in the amount of 742 cubic feet; all for a proposed two-story dwelling, 2. Applicant requests a determination as to whether or not the proposed 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.

Held over from the 9/3/15 meeting; Adjourned from the 11/19/15, 1/21/16, 4/7/16, 6/2/16, 7/7/16, 8/4/16, 9/15/16, 10/20/16 and the 11/17/16 meeting:

11. **Citarelli, LLC.** (appl. 1500133) Denise 900-369-3-6 Westhampton
137 Montauk Highway
Applicant requests relief from Town Code §330-6 (general regulations) and Town Code §330-167(B)(3) (specific types of variances) to permit a change from one nonconforming use to another nonconforming use, to wit, from a commercial Newspaper printing and publishing business to: (i) an office/retail, and (ii) a special trade contractor and storage use on a nonconforming lot and any other relief necessary.

HOLDOVER APPLICATIONS - Continued

SCTM – HAMLET

Adjourned from the 11/3/16 and the 11/17/16 meeting; held over from the 12/1/16 meeting; adjourned from the 1/5/17 meeting:

12. **795 Flying Point Road Realty, LLC** (Salvatore & Lisa Salibello – Applicants) (appl. 1600159)
795 Flying Point Road Adam 900-178-1-11 Water Mill
Applicants appeal the issuance of Certificate of Compliance #A150605 issued June 2, 2015, for an outdoor kitchen, alleging that the Building Department failed to enforce the conditions of ZBA Decision #D013031 and any other relief necessary.

Held over from the 12/15/16 meeting; adjourned from the 1/5/17 meeting:

13. **Theresa Lloyd** (appl. 1600184) Adam 900-187-3-12 Hampton Bays
54 Squiretown Road
Applicant requests the following relief from Town Code §330-11.2(F) (accessory apartment special standards) to legalize an accessory apartment constructed in the basement of the existing dwelling without the benefit of a building permit on a nonconforming lot that is less than 30,000 square feet: (i) lot area of 14,265 square feet where 16,000 square feet is required (80% of the required 20,000 sf), (ii) lot width of 80 feet along Squiretown Road and 74.76 feet along Ridge Boulevard where 84 feet is required (70% of the required 120 feet), (iii) a principal minimum side yard setback of 11 feet where 14 feet is required (70% of the required 20 feet) and (iv) a principal total side yard setback of 23.3 feet where 31.5 feet is required (70% of the required 45 feet). In addition, applicant requests relief from Town Code §330-11.2(J) to allow the parking space for the accessory apartment to be located within the required front yard of the principal dwelling and any other relief necessary.

Held over from the 1/19/17 meeting:

14. **Class A, LLC** (appl. 1600197) Brian 900-68-1-6.1 Bridgehampton
254 Mitchells Lane
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) to allow the height of a proposed dwelling to be 33'-8 1/4" and to allow the upper portion of the "banquet" roof structure to be at a height of 38'-4 1/2" to allow access to a 2nd story deck where a maximum height of 32 feet is permitted and any other relief necessary.

Held over from the 1/19/17 meeting:

15. **Hawks Hills, LLC** (appl. 1600131) Adam 900-92-3-26 North Sea
63 Island Creek Road
On October 6, 2016, this Board, by Decision number D016139, granted the applicant relief for the construction of a two-story residence with a covered porch. It was later discovered that additional pyramid relief was indicated on the architectural plans submitted with the application but not discussed at the public hearing.

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<u>DECISIONS</u>		<u>DATE CLOSED</u>	<u>SCTM – HAMLET</u>	
Three Waters LLC (written submissions by Jan. 17 th)	Laura	1/5/17	900-179-2-2.1	Bridgehampton
Kelly & Joseph Simmons (written submissions)	Keith	1/19/17	900-260-7-19	Hampton Bays
Laffalot, LLC (written submissions)	Laura	1/19/17	900-211-2-19	Shinnecock Hills
Mark C. Matthews	Adam	1/19/17	900-76-5-21	North Sea
Walter & Beverly Vella (written submissions)	Adam	1/5/17	900-131-3-29.1	North Sea
Jason & Marni Hefter (written submissions)	Adam	10/20/16	900-342-2-26.2	East Quogue