

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
March 5, 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

- 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

NOTE: Public Hearings WILL NOT be held for Case numbers 1 – 8. These are applications from February 20, 2020 that require the rescheduling of hearing dates due to the cancellation of the meeting.

NEW - ADJOURNED APPLICATIONS (from the Feb. 20, 2020 meeting)

SCTM – HAMLET

Adjourned from the 02/06/20 meeting:

- OPH Building Corp.** (app# 2000006) Michael 900-17-2-77 Noyac
30 Linda Lane
Applicant requests relief from the following provisions of the Town Code: 1. For the proposed two-story dwelling on a nonconforming lot: §330-84D (pyramid height) for an encroachment in the amount of 725.55 cubic feet (389.95 cf (East side) + 335.60 cu ft (North East side); and 2. §330-115(D)(3) (Continuance) for an accessory distance from street (front yard) of 39.4 feet where 50 feet is required and §330-84D (pyramid height) for an encroachment in the amount of 1,009.26 cubic feet and any other relief necessary.

HOLDOVER APPLICATIONS (from the Feb. 20, 2020 meeting)

SCTM – HAMLET

Held over from the 10/5/17 meeting; adjourned from the 11/16/17, 01/18/18, 3/1/18, 4/5/18, 7/19/18, 08/16/18, 10/4/18, 12/6/18, 1/17/19, 3/21/18, 7/18/19, 10/3/19 and the 12/5/19 meeting:

- Michael Esposito & Louis Esposito** (app# 1700111) 900-143-2-48 Flanders
730 Flanders Road Brian
Applicant requests relief from Town Code §330-117 (Change) as it relates to Town Code §330-167B(3) (Specific types of variances) to legalize a change from one nonconforming use to another nonconforming use without the benefit of a building permit, to wit, from a restaurant and lounge to a Take-Out Restaurant (delicatessen/market) and any other relief necessary.

HOLDOVER APPLICATIONS (continued)
(from the Feb. 20, 2020 meeting)

SCTM – HAMLET

Held over from the 08/01/19 meeting; and re-opened at the 01/02/20 meeting; and adjourned from the 01/16/20:

3. **Old Quogue Development, LLC** Adam 900-139-3-34 Flanders
90 Old Quogue Road (app# 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.

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, 11/21/19 and the 01/06/20 meeting:

4. **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.

Adjourned from the 11/7/19 meeting; held over from the 12/19/19:

5. **Christopher Norwood** (app# 1900144) ~~Michael~~ 900-5-2-31 Noyac
7 Right of Way off Noyack Avenue Jason
Applicant appeals the interpretation of the Chief Building Inspector as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that the inspector at the time Certificate of Occupancy #C17873, dated June 23, 1997 was issued for a “Detached 2-car garage with 2nd floor sleeping quarters for family members” was not incorrect in his assessment of the permitted uses. If the Board disagrees with the Chief Building Inspector, then, the 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 without the benefit of a building permit, to wit, a total of 600 square feet of living space (400 square feet existing + 200 additional square feet) within a detached building situated on a nonconforming lot with a single-family dwelling. If the Board agrees with the Chief Building Inspector, applicant requests relief from Town Code §330-167B(3) (specific types of variances) to permit a change from one non-conforming use to another nonconforming use, to wit, from a single-family, two-story dwelling with attached deck, shed and shower and detached 2-car garage with 2nd floor sleeping

HOLDOVER APPLICATIONS (continued)
(from the Feb. 20, 2020 meeting)

SCTM – HAMLET

Christopher Norwood (continued)

quarters for family members to a single-family, two-story dwelling with attached deck, shed and shower and detached one-car garage with apartment. In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 4.6 feet and an accessory rear yard setback of 2.7 feet where 8 feet is required to legalize the wood deck attached to the detached garage with apartment 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:

6. **295 Montauk Highway, Inc.** (appl. 1800094) 900-231-1-31 Hampton Bays
295 East Montauk Highway Keith
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.

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:

7. **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

HOLDOVER APPLICATIONS (continued)
(from the Feb. 20, 2020 meeting)

SCTM – HAMLET

JTEN Holdings, LLC

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:

8. **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.

DECISIONS (from the February 20, 2020 meeting)

DATE CLOSED

SCTM – HAMLET

27 Dune, LLC (written submissions)	Brian	06/20/19	900-386-2-2	East Quogue
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Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1900093) (written submissions by Feb. 6 th)	Adam	05/02/19	900-43-1-38	North Sea
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Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1800172) (written submissions by Feb. 6 th)	Adam	05/02/19	900-43-1-38	North Sea
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DECISIONS (from the February 20, 2020 meeting) (continued)

Frank Franzese (written submissions)	Cornelius	08/15/19	900-378-1-5	Quiogue
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MINOR VARIANCE REVIEW

SCTM - HAMLET

None scheduled for this meeting

NEW APPLICATIONS

SCTM – HAMLET

9. **Lenora Behrens** (app# 2000018) Cornelius 900-209-3-76 Shinnecock Hills
 569 Montauk Highway
 Applicant requests a determination that the subject parcel SCTM# 900-209-3-76 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D and any other relief necessary.

10. **Lenora Behrens** (app# 2000019) Cornelius 900-209-3-74 Shinnecock Hills
 30 Highland Road
 Applicant requests a determination that the subject parcel SCTM# 900-209-3-74 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D and any other relief necessary.

11. **1179 Fireplace Rd, LLC** (app# 2000020) 900-13-1-72.3 Noyac
 1739 Millstone Road Jason
 Applicant requests relief from Town Code Section 330-11(residential districts table of dimensional regulations) for a principal rear yard setback of 62 feet where 100 feet is required for a proposed two story dwelling on a nonconforming lot and any other relief necessary.

12. **Katherine and Brian Turza** (app# 2000021) 900-340-1-37 East Quogue
 30A Central Avenue Michael
 Applicant requests relief from Town Code Section 330-84D (pyramid height) for an encroachment in the amount of 252 cubic feet for a proposed detached residential two- story garage with storage above. In addition, applicant requests relief from Town Code Section 330-11(residential districts table of dimensional regulations) for a principal front yard setback of 35.3 feet where 40 feet is required to legalize a covered porch constructed without the benefit of a building permit on a nonconforming lot and any other relief necessary.

13. **Fisher Organization, LLC** (app# 2000022) 900-143-1-18 Flanders
 91 Priscilla Avenue Brian
 The applicant is requesting relief for a lot area of 9,512 square feet where 15,000 square feet is required; for lot a width of 50 feet where 100 feet is required; a minimum side yard of 12 feet where 15 feet is required; and a total side yard of 26 feet where 35 is required. (~330-11 Residence Districts Table of Dimensional Regulations) and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

14. **Fisher Organization, LLC** (app# 2000023) Brian 900-120-3-22.3 Flanders
148 Priscilla Avenue
LOT #1: (Lot 102); The applicant is requesting relief for a lot area of 14,174 square feet where 15,000 square feet is required (330-11); for lot a width of 50 feet where 100 feet is required (330-11); a total side yard of 26 feet where 35 is required and front yard setback of 29 feet 2 inches where 40 feet is required (330-11, 330-115C). Additional relief for a zoning district line modification of 25 feet (330-167(A)). LOT #2: (Lot 103) The applicant is requesting relief for a lot area of 14,174 square feet where 15,000 square feet is required (330-11); for lot a width of 50 feet where 100 feet is required (330-11); minimum side yard of 12.8 feet where 15 feet is required and a total side yard of 26.3 feet where 35 feet is required (330-11, 330-115C). Additional relief for a zoning district line modification of 25 feet (330-167(A)) and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

15. **James & Phyllis Garito** (app# 2000011) Keith 900-271-1-27 Shinnecock Hills
29 Oceanview Drive
Applicant requests relief from Town Code §330-84D (pyramid height) for an encroachment in the amount of 3,250 cubic feet for a proposed second floor addition, proposed roof decks and proposed two-story additions and any other relief necessary.

RE-ADVERTISED MODIFICATION REQUEST

SCTM – HAMLET

16. **Scott Stapleton** (app# 2000008) Adam 900-17-2-68 Noyac
3 Linda Lane
On September 6, 2018, this Board by Decision number D018114, granted the applicant pyramid relief in the amount of 431.32 cubic feet for a proposed detached garage and relief to allow said garage to be located within the required minimum and total side yard for the principal building. Subsequently, on February 7, 2019, by Decision number D019014, the aforementioned decision (D018114) was amended to grant additional pyramid relief in the amount of 240.4 cubic feet (for a total of 671.72 cubic feet) and to grant an accessory side yard setback of 8 feet as a result of the revised location of the proposed garage. By letter dated December 19, 2019, the applicant submitted documentation requesting that Decision number D019014 be amended allow an accessory side yard setback of 7.6 feet and a total pyramid encroachment in the amount of 751.81 cubic feet as a result of an error in the placement of the foundation wall of the proposed garage.

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 8/15/19 meeting:

17. **Thomas R. Stachecki Living Trust** (appl. 1900102) 900-78-1-20.1 North Sea
 1205 Majors Path Adam
 Applicant requests relief from Town Code §330-117 (change) as it relates to Town Code §330-167B(3) (specific types of variances) to permit a change from one nonconforming use to another, to wit, from a Pre-existing non-conforming use for the receipt of natural organic wastes (trees, brush, stumps, leaves and other clearing debris) to a 120 unit multi-family condominium use with a two-story club house an recreational area and any other relief necessary.

DECISIONS

DATE CLOSED

SCTM – HAMLET

Stephen Genovese (written submissions)	02/06/20	Keith	900-152-1-16	Hampton Bays
On The Canal Apartment Owners Corp.	02/06/20	Cornelius	900-258-1-8.1	Hampton Bays

DECISIONS (from the February 20, 2020 meeting)

DATE CLOSED

SCTM – HAMLET

Mohammed Sindhu (written submissions)	Adam	02/06/20	900-138-2-11	Riverside
28 Kendall’s Lane, LLC (written submissions)	Helene	02/06/20	900-42-3-53	North Sea
Curtis DiPaolo	Cornelius	02/06/20	900-211-4-9	Shinnecock Hills
Marla & Michael Rothstein (written submissions)	Helene	02/06/20	900-345-2-1	Hampton Bays
William Williams	Jason	02/06/20	900-381-2-42	Remsenburg/Speonk
Richard Hurtle (written submissions)	Keith	02/06/20	900-264-2-33	Hampton Bays
Alfred Shtainer & Victoria Shtainer	Keith	02/06/20	900-86-4-8.1	Bridgehampton

**Southampton Town Zoning Board of Appeals
Public Hearing Agenda
March 5, 2020
Page 8 of 8**

DECISIONS (from the February 20, 2020 meeting) (continued)

DATE CLOSED

SCTM – HAMLET

Frederic Van Wyck
(written submissions)

Michael 02/06/20

900-94-3-2.1 North Sea

James Morrissey

Michael 02/06/20

900-131-2-6.1 North Sea

Marie Borrelli

Adam 02/06/20

900-294-2-6.1 Hampton Bays