

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
April 6, 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. **KNH Eastern Properties, LLC** (app. 1700033) 900-272-2-36 Shinnecock Hills
153 Little Neck Road Brian

Applicant requests relief from the following provisions of the Town Code: 1. To legalize the reconstruction of a first floor deck on the westerly façade of dwelling under-construction and without the benefit of a building permit: (i) §330-11 (residence districts table of dimensional regulations) for an accessory front yard setback of 11.7 feet from Little Neck Road where 40 feet is required, (ii) §330-11 for a front yard setback of 23 +/- feet from Shinnecock Bay where 40 feet is required and (iii) §330-83A(4) to allow a deck that is higher than one foot above ground level to be located within the required front yard; 2. For a pergola proposed over the first floor westerly deck: (i) §330-11 (residence districts table of dimensional regulations) for an accessory front yard setback of 11.7 feet from Little Neck Road where 50 feet is required, and (ii) §330-11 for a front yard setback of 23+/- feet from Shinnecock Bay where 50 feet is required; and (iii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the pergola to be located within the required front yard; 3. To legalize a lower deck under-construction and without the benefit of a building permit: (i) §330-11 for a front yard setback of 24+/- feet from Shinnecock Bay where 40 feet is required and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the lower deck to be located within the required front yard; 4. For a proposed lower pergola: (i) §330-11 for an accessory front

NEW APPLICATIONS - Continued

SCTM – HAMLET

KNH Eastern Properties, LLC (continued)

yard setback of 24 +/- feet from Shinnecock Bay 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 pergola to be located within the required front yard; 5. To legalize an extension of the first floor deck on the northerly façade of the dwelling: §330-11 for an accessory side yard setback of 8.1 feet where 10 feet is required; 6. §330-84D (pyramid height) to legalize the upper deck on the northerly façade of the dwelling; and 7. To legalize the outdoor shower: (i) §330-11(residence districts table of dimensional regulations) for an accessory side yard setback of 8 +/- feet where 10 feet is required, §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the outdoor shower to remain within the required side yard of the principal building and any other relief necessary.

2. **Jason Simmons** (appl. 1700037) Keith 900-264-2-25.1 Hampton Bays
4 Catena Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 32 feet where 40 feet is required to legalize a front porch constructed without the benefit of a building permit and any other relief necessary.

3. **34 Cove, LLC** (appl. 1700034) Adam 900-115-3-12 Water Mill
34 Cove Avenue
Applicant requests relief from the following provisions of the Town Code: 1. To legalize a shed constructed without the benefit of a building permit: §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 29.7 feet where 30 feet is required and §330-76C(1) (placement of accessory buildings and uses in all districts) to allow the shed to remain on a nonconforming lot without a principal building and 2. To legalize the location of a pergola: (i) §330-11 for an accessory distance from street setback of 61.4 feet where 90 feet is required, (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the pergola to remain within the required front yard and (iii) §330-76C(1) (placement of accessory buildings and uses in all districts) to allow the pergola to remain on a nonconforming lot without a principal building and any other relief necessary.

4. **Roxana Sulica** (appl. 1700035) Cornelius 900-62-1-42 North Sea
79 Knoll Road
Applicant requests a determination that the subject parcel SCTM# 900-62-1-42 is held in single and separate ownership from the adjacent parcel identified as SCTM# 900-62-1-41 and thus entitled to relief pursuant to §330-115D. In addition, applicant requests relief from the following provisions of the Town Code: 1. For a proposed covered front porch with 24" overhang: §330-115C (continuance) for a proposed principal front yard setback of 39.2 feet to the porch and 37.2 feet to the proposed overhang where 42.2 feet is existing and §330-83C (yards) to allow the overhang to encroach more than 18 inches into the required front yard; 2. For a proposed 2nd floor addition to the existing dwelling: §330-84D (pyramid height) for a proposed encroachment in the amount of 15.7 cubic feet; and 3. For a proposed one-story addition to the existing dwelling: (i) §330-11 (residential districts table of dimensional regulations) for a proposed principal minimum side yard setback of 12.2 feet where 20 feet is required and (ii) §330-115C

NEW APPLICATIONS - Continued

SCTM – HAMLET

Maribeth Fuchs (continued)

allow the accessory apartment to remain at 348 square feet where a minimum of 400 square feet is required; and 3. §330-84D (pyramid height) for the as-built shed on a nonconforming lot and any other relief necessary.

8. **Janet & David Baum** (appl. 1700040) Helene 900-292-3-15 East Quogue
15 Middle Road
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 29.5 feet where 40 feet is required for proposed addition to the existing dwelling on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

SCTM – HAMLET

9. **Martin White** (appl.1700021) Thomas 900-96-1-32.1 North Sea
33 Lakeside Drive
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 17.5 feet where 40 feet is required for a proposed 2nd floor balcony over an existing deck 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 3/2/17 meeting:

10. **KAARP Management Group, LLC.** (appl. 1700019) Keith 900-346-1-10 Hampton Bays
17 Ludlow Lane
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling with attached garage on a nonconforming lot: (i) §330-83K (yards) for a principal minimum side yard setback of 10 feet where 20 feet is permitted, (ii) §330-115C (continuance) for a principal rear yard setback of 15 where 20 feet is existing and (iii) §330-84D (pyramid height) for a total proposed encroachment in the amount of 3720 cubic feet broken down as follows: a) as taken from the northerly lot line through the attached garage, 190 cubic feet, and through the tower, 657 cubic feet, b) as taken from the westerly lot line through the attached garage 2873 cubic feet 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, 2/2/17 and the 3/2/17 meeting:

11. **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 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, 11/17/16 and the 2/2/17 meeting:

12. **Citarelli, LLC.** (appl. 1500133) Adam 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.

AMENDMENT REQUEST

13. **Robert J. Mitzman** Brian 900-104-2-4 Water Mill
 528 Mecox Road
 On October 6, 2016, this Board by decision number D016149 granted the applicant an accessory front yard setback and relief to allow a proposed garage to be located within the required front yard. By letter dated, March 27, 2017, Mary Jane Asato, attorney for the applicant, has requested that said decision be amended to include relief for a proposed accessory side yard setback of 15 feet.

DECISIONS

DATE CLOSED

SCTM – HAMLET

| | | | | |
|---|-----------|---------|----------------|------------------|
| Dushyant Chadha (written submissions) | Keith | 3/2/17 | 900-45-1-20.2 | North Sea |
| The Wayne C. Waltzer Revocable Trust & The Arlene E. Waltzer Revocable Trust (written submissions) | Brian | 3/16/17 | 900-172.1-1-14 | Hampton Bays |
| Douglas B. Bachelis (written submissions) | Cornelius | 3/16/17 | 900-210-1-5.1 | Shinnecock Hills |
| Nicholas Signorile & Faith Signorile (written submissions) | Thomas | 3/16/17 | 900-9-1-25 | Noyac |

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| <u>DECISIONS</u> | | <u>DATE CLOSED</u> | <u>SCTM – HAMLET</u> | |
|--|-----------|---------------------------|-----------------------------|---------------|
| Julie Reisdorff-Parker (written submissions) | Cornelius | 3/16/17 | 900-83-1-3 | Bridgehampton |
| Rivendell Enterprises, LLC | Adam | 3/16/17 | 900-373-1-35 | East Quogue |
| Robert Agoglia & Bridget Fleming | Thomas | 3/16/17 | 900-5-5-13 | Noyac |
| Christopher Dunlop (written submissions) | Thomas | 2/16/17 | 900-347-1-11.5 | Hampton Bays |
| 120 Highview LLC (written submissions) | Adam | 3/2/17 | 900-18-1-77 | Noyac |
| Michael Sonnefeldt | Thomas | 3/2/17 | 900-134-2-25.2 | Bridgehampton |
| Guilber Prado (written submissions) | Adam | 2/16/17 | 900-144-2-49 | Flanders |
| Patricia DiBenedetto (written submissions) | Thomas | 2/2/17 | 900-357-3-40 | Westhampton |
| CMR Unlimited Inc. & VTG Realty and Construction, LLC (written submissions) | Thomas | 2/2/17 | 900-113-2-6 | Water Mill |