

# 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 20, 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](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 APPLICATIONS

### SCTM - HAMLET

1. **Jeffrey Kaczynski & Sayuri Ganepoia-Kaczynski** 900-99-1-45.11 North Sea  
13 Dovas Path Keith  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 56 feet where 60 feet is required for a proposed covered porch addition to an existing dwelling on a nonconforming lot and any other relief necessary.
2. **Phillip Abraham** (appl. 1700046) Thomas 900-103-2-26 Water Mill  
222 Newlight Lane  
Applicant requests relief from Town Code §330-115D(3) (continuance) for a rear yard setback of 64.3 feet where 70 feet is required for a proposed one-story addition to an existing dwelling on a nonconforming lot and any other relief necessary.
3. **Robert Morgillo** (appl. 1700047) Adam 900-46-3-21 North Sea  
7 Deer Trail Road  
Applicant requests relief from Town Code §330-115D(3) (continuance) for a principal front yard setbacks of 39 feet to the proposed bay window and to 35 feet to the proposed covered porch where 40 feet is required on a nonconforming lot and any other relief necessary.

**MINOR VARIANCE REVIEW - Continued**

**SCTM - HAMLET**

4. **Nermin Brbutovic** (appl. 1700049) Helene 900-264-3-21 Hampton Bays  
44 Argonne Road East  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) for a proposed three-lot subdivision: A proposed lot width of 100.20 feet where 120 feet is required for proposed Lot 1 and a proposed lot width of 98.80 where 120 feet is required for proposed Lot 2 and any other relief necessary.

**NEW APPLICATIONS**

**SCTM - HAMLET**

5. **Kenneth Kramer** (appl. 1700041) Helene 900-260-3-8 Hampton Bays  
19 Ocean Avenue  
Applicant requests relief from the following provisions of the Town Code: (i) §330-11 (residential districts table of dimensional regulations) to allow an accessory rear yard setback of 4 feet where 10 feet is required for the proposed swimming pool and (ii) §330-77D (placement of accessory buildings and uses in residence districts) for a proposed rear yard coverage of 21% where 20% is required for the placement of a proposed swimming pool and proposed shed on a nonconforming lot and any other relief necessary.
6. **Malcolm Powell** (appl. 1700043) Brian 900-62-1-59 North Sea  
40 Waters Edge Road  
Applicant requests relief from the following provisions of the Town Code: 1. To legalize a wood deck constructed without the benefit of a building permit: (i) §330-115D(5) (continuance) for an accessory side yard setback of 1.3 feet (West) and 0.7 feet (East), (ii) §330-84D (pyramid height) for an encroachment in the amount of 10 cubic feet, and (iii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the deck to remain within the required minimum and total side yard of the principal building; and 2. To legalize the wood (PVC) fence constructed on the South side of the property without the benefit of a building permit: §330-109A(1), A(2) and A(3) (fences, walls, accessory driveway structures and clotheslines) to allow a fence with height of 6.4 feet (at the highest point) to remain within the required front and side yard on a nonconforming lot and any other relief necessary.
7. **Austin Allen** (appl. 1700044) Keith 900-254-4-43 Hampton Bays  
40 Homewood Drive  
Applicant requests relief from the following provisions of the Town Code: 1. §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 33.9 feet where 40 feet is required to legalize a front covered porch constructed without the benefit of a building permit on a nonconforming lot; 2. §330-11 for an accessory distance from street setback 41 feet from Middle Road where 50 feet is required for the location of the hot tub; and 3. §330-109A(1) (fences, walls, accessory driveway structures, and clotheslines) to allow a portion of the 6 foot high fence constructed without the benefit of a building permit along the Northerly property line to remain in its current location where no fence or wall in a required front yard shall have a height greater than four feet and any other relief necessary.

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**NEW APPLICATIONS - Continued**

**SCTM – HAMLET**

8. **Arleen Auerbach** (appl. 1700045) Cornelius 900-210-1-59 Hampton Bays  
16 Cheviots Road  
Applicant requests a determination that the subject parcel SCTM# 900-210-1-59 is held in single and separate ownership from the adjacent parcel identified as SCTM# 900-210-1-60 and thus entitled to relief pursuant to §330-115D and any other relief necessary.
9. **Adesh Heeralal** (appl.1700046) Brian 900-111-2-47 Tuckahoe  
17 Fords Lane  
Applicant requests relief from the following provisions of the Town Code to legalize an accessory apartment constructed without the benefit of a building permit in the basement of the existing dwelling on a nonconforming lot: 1. §330-11.2 F (accessory apartment standards): (i) to allow an accessory apartment to be located on a parcel that has a lot area that is less than 30,000 square feet, (ii) for a lot area of 7,409 square feet where 32,000 square feet is required (80% of the required 40,000 sq ft)m, (iii) for a lot width of 100 feet where 105 feet is required (70% of the required 150 feet), (iv) for a front yard setback of 25.8 feet where 42 feet is required (70% of the required 60 feet), and (iv) for a rear yard setback of 23.8 feet where 49 feet is required (70% of the required 70 feet) and 2. §330-11.2G(1) to allow the size of the accessory apartment to be 92% of the total floor area of the main dwelling where a maximum of 35% is permitted and any other relief necessary.
10. **Richard A. Peters Jr. & Maureen Donohue Peters** (appl.1700048)  
33 Canoe Place Road Adam Hampton Bays  
Applicant requests the following relief from Town Code §330-84(D) (pyramid height) a proposed pyramid encroachment in the amount of 5,032 cubic feet (3,140 cubic feet along the North wall + 1,892 cubic feet along the South Wall) for a proposed two-story dwelling on a nonconforming lot and any other relief necessary.
11. **Jason Herber** (appl. 1700050) Thomas 900-230-2-25.1 Hampton Bays  
8 Victoria Road  
Applicant requests relief from the following provisions of the Town Code for a proposed two-lot subdivision: 1. For Proposed Lot 1: (i) §330-11 (residential districts table of dimensional regulations) for a proposed lot width of 100 feet where 150 feet is required and a proposed lot area of 17,816 square feet where a minimum of 40,000 square feet is required and (ii) §330-76D (placement of accessory buildings and uses in all districts) and §330-83C (yards) to allow the elevated deck to be located within the total side yard of the principal building; and 2. For Proposed Lot 2: §330-34 (business districts table of dimensional regulations) for a proposed lot width of 100 feet where 150 feet is required and a proposed lot area of 17,492 square feet where a minimum of 40,000 square feet is required and any other relief necessary.

**READVERTISED APPLICATIONS**

**SCTM – HAMLET**

None scheduled for this meeting

**NEW - ADJOURNED APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 4/6/17 meeting:**

12. **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 (continuance) for a proposed principal total side yard setback of 34.7 feet where 45.7 feet is existing. (If the parcel is deemed to be single and separate then applicant requests relief from: §330-115D(1) for a proposed principal minimum side yard of 12.2 feet where 12.6 feet is permitted for the proposed one-story addition) 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 11/17/16 meeting; adjourned from the 1/19/17 meeting:**

13. **Christopher Jackson** (appl.1600145) Thomas 900-267-2-33 Hampton Bays  
112 Argonne Road East  
Applicant appeals the decision of the Building Inspector as provided in Town Code §330-165A (appeals on interpretation of Zoning Law and Map), in that the proposed garage is not a subordinate or incidental building because of its size in proportion to the main dwelling and its use and any other relief necessary.

**Adjourned from the 6/16/16, 12/1/16, 1/19/17 and the 2/16/17 meeting:**

14. **Nelson Mendez-Lopez** (appl. 1600083) Keith 900-120-3-26 Flanders  
128 Priscilla Avenue  
SCTM# 900-120-3-26. Applicant requests a determination that the subject parcel SCTM# 900-120-3-26 is held in single and separate ownership from the all adjacent parcels and thus entitled to relief pursuant to §330-115D. If the Board finds the subject parcel to be a single and separate parcel, then applicant requests relief from Town Code §330-84(D) (pyramid height) for a total proposed encroachment in the amount of 2,272.2 cubic feet (1,662.7 on the West + 609.5 on the East) for the proposed two-story dwelling on a nonconforming lot and any other relief necessary.

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<b><u>DECISIONS</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
Vanderbilt Nursery General Contracting, Corp. (written submissions by 3/31/17)		2/16/17	900-84-1-5.9	Bridgehampton
Estate of Jack E. Maurer (written submissions)	Keith	3/16/17	900-378-1-14	Quogue
Emily Johnson (written submissions)	Brian	3/16/17	900-232-3-28	Shinnecock Hills
Jason Simmons	Keith	4/6/17	900-264-2-25.1	Hampton Bays
34 Cove, LLC	Adam	4/6/17	900-115-3-12	Water Mill
Georgina P. Schielke (Paul Schielke-Applicant)	Keith	4/6/17	900-265-5-14	Hampton Bays
Georgina P. Schielke (Paul Schielke-Applicant)	Keith	4/6/17	900-265-5-15	Hampton Bays
Maribeth Fuchs (written submissions)	Cornelius	4/6/17	900-297-4-37	Hampton Bays
Janet & David Baum	Helene	4/6/17	900-292-3-15	East Quogue
Martin White (written submissions)	Thomas	4/6/17	900-96-1-32.1	North Sea
KAARP Management Group, LLC	Keith	4/6/17	900-346-1-10	Hampton Bays
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
Christopher Dunlop (written submissions)	Thomas	2/16/17	900-347-1-11.5	Hampton Bays