

# 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 July 16, 2020

The Zoning Board of Appeals meeting is being held via videoconference. Applications are scheduled to begin at 6:00 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

- |    |   |        |            |       |
|----|---|--------|------------|-------|
| 1. | <b>Kevin P. Dehler</b><br>129 Wildwood Road | Helene | 900-21-2-3 | Noyac |
|----|---|--------|------------|-------|
- Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 38.3 feet where 40 feet is required for a proposed addition to a dwelling under construction and any other relief necessary.

### NEW APPLICATIONS

### SCTM – HAMLET

- |    |  |         |            |           |
|----|--|---------|------------|-----------|
| 2. | <b>Heidi R. Joe &amp; Glenn Steigelman</b><br>14 Old Scallop Pond Road | Michael | 900-60-1-5 | North Sea |
|----|--|---------|------------|-----------|
- Applicant requests a determination as to whether or not the proposed accessory building which will house an accessory apartment 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. Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory distance from street setback (front yard) of 53.5 feet where 70 feet is required for a proposed detached accessory building with covered porch and attached shed. In addition, applicant requests the following relief from the provisions of Town Code §330-11.2 (accessory apartment special standards) to construct an accessory apartment in the proposed detached building: (1) §330-11.2F: (i) lot area of 20,845 square feet where 32,000 square feet is required (80% of the required 40,000 square feet), (ii) a principal front yard setback of 22.2 feet where 42 feet is required from the easterly property line (South Oldfield Road) (70% of the required 60 feet) for the main dwelling; (iii) an accessory distance from street setback (front yard) of 21.5 feet where 52.5 feet is required (70% of the required 70 feet) for the arbor from the easterly property line (South Oldfield Road); (iv) an accessory distance from street setback (front yard) of 4.3 feet where 52.5 feet is required (70% of the required 70 feet) from the easterly property line (South Oldfield Road) for the existing garage; (v) an accessory distance from street setback (front yard) of 52 feet +/- where 52.5 feet is required (70% of the required 70 feet) from the easterly property line (South Oldfield Road) for the existing shed located to the south of the proposed accessory apartment.

**NEW APPLICATIONS (continued)**

**SCTM – HAMLET**

3. **Production Holding, LLC & Tyronne Terchunian** 900-355-2-18.6 & 18.7  
57 & 61 Station Road Adam Westhampton  
Applicant requests the following relief from Town Code §330-11 (residential districts table of dimensional regulations) to legalize a two-lot subdivision: For Lot 18.6: a lot area of 20,083 square feet where 40,000 square feet is required and a lot width of 113.97 where 120 feet is required; and For Lot 18.7: a lot area of 21,958 square feet where 40,000 square feet is required and any other relief necessary.
  
4. **Tyronne Terchunian** Adam 900-355-2-18.6 Westhampton  
57 Station Road  
Applicant requests relief from the following provisions of the Town Code to legalize a one story concrete building on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 3 feet where 20 feet is required and an accessory rear yard setback of 15.2 feet where 20 feet is required; and Town Code §330-84D (pyramid height) for an encroachment in the amount of 960 cubic feet and any other relief necessary.
  
5. **Production Holding, LLC** Adam 900-355-2-18.7 Wethampton  
61 Station Road  
Applicant requests relief from the following provisions of the Town Code: 1. For an existing two story house on a nonconforming lot: Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 16.7 feet where 20 feet is required to legalize the conversion of an open porch to a covered porch; 2. To legalize an addition to a one story frame barn: (i) Town Code §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required, (ii)Town Code §330-115C (continuance) for an accessory rear yard setback of 2.4 feet where 4.2 feet is existing; and (iii) Town Code §330-84D (pyramid height) for an encroachment in the amount of 2.45 cubic feet; 3. For a deck attached to the barn: (i) Town Code §330-11 for an accessory side yard setback of 0 feet where 20 feet is required, and an accessory rear yard setback of 10 feet +/- where 20 feet is required, and (ii) Town Code §330-84D for an encroachment in the amount of 3.9 cubic feet; 4. For the existing A/C unit: Town Code §330-77G (placement of accessory building, structures and uses in residence districts) for a rear yard setback of 4.7 feet where 10 feet is required; 5. To legalize the conversion of the barn to an accessory apartment: 1. Town Code §330-11.2F (accessory apartment special standards) for the following: (i) for a lot area of 21,958 square feet where 32,000 square feet is required (80% of 40,000 square feet); (ii) an accessory rear yard setback of 2.4 feet where 14 feet is required (70% of 20 feet); (iii) an accessory side yard setback of 11.1 feet where 14 feet is required (70% of 20 feet); (iv) an accessory side yard setback of 0 feet where 14 feet is required for the existing deck (70% of 20 feet); and 2. Town Code §330-11.2G(1) to allow the size of the apartment to exceed 35% of the total floor area of the principal dwelling (approximately 50%) where a maximum of 35% is permitted and any other relief necessary.
  
6. **Robert Fadel** Jason 900-205-2-3.10 Hampton Bays  
30 Squires Boulevard  
Applicant requests relief from the following provisions of the Town Code: 1. To legalize an enclosed unheated porch constructed without the benefit of a building permit: Town Code §330-11 (residential districts table of dimensional regulations) for a principal minimum side yard setback of 18.3 feet where 20 feet is required; and 2. To legalize a wood deck constructed without the benefit of a building permit under the enclosed unheated porch and around the swimming pool: Town Code §330-11 for an accessory side yard setback of 18.3 feet where 20 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 06/04/20 meeting:**

7. **Michael Scarola & Jacqueline Cress** (app#2000045) 900-261-3-10 Hampton Bays  
108 Springville Road Keith  
Applicant requests a Use Variance for an expansion of a nonconforming use greater than the allowable 50% as set forth in Town Code §330-167B(1)(a) (specific types of variances), to wit, a proposed two-story dwelling (to replace an existing one-story dwelling) located on a parcel with two-dwellings. In addition, applicant requests relief from the following provisions of the Town Code: 1. To legalize a wood deck (attached to the main dwelling) constructed without the benefit of a building permit: §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 8.9 feet where 20 feet is required and an accessory rear yard setback of 17 feet where 20 feet is required; 2. To legalize a hot tub constructed without the benefit of a building permit: §330-11 for an accessory rear yard setback of 10 feet +/- where 20 feet is required; and 3. For a proposed two-story dwelling: §330-84D (pyramid height) for an encroachment in the amount of 2,567 cubic feet and any other relief necessary.

**HOLDOVER APPLICATIONS**

**SCTM – HAMLET**

**Adjourned from the 04/02/20 meeting (mtg. cancelled); and held over from the 05/07/20 meeting:**

8. **John Nicoletti** Cornelius 900-380-2-62.1 Remsenburg/Speonk  
26 Club Lane  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory rear yard setback of 7.9 feet where 20 feet is required and an accessory side yard setback of 9.9 feet where 20 feet is required; all to legalize a Bocci Ball Court with attached steps constructed without the benefit of a building permit and any other relief necessary.

**Held over from the 3/21/19 meeting; adjourned from 04/18/19, 7/18/19, 9/19/19, 11/21/19; adjourned from the 02.20.20 (mtg. cancelled), 03.19.20 (mtg. cancelled), 04.02.20 (mtg. cancelled) and the 05/07/20 meetings:**

9. **Konner Friedlander Gateway 1, LLC** (app# 1900002) 900-84-1-15, 16.2 & 16.8  
2037, 2045 & 2071 Montauk Highway Brian Bridgehampton  
Applicant requests relief from the following provisions of the Town Code or a proposed three-lot subdivision and site development: (i) §330-82 (lot width) for a proposed flag pole width of 10 feet for proposed Lot 1 where 20 feet is required; (ii) §330-105K (schedules of minimum and maximum floor area) for the size of the proposed building complex on proposed Lot 2 to be 27,000 square feet where a maximum of 15,000 square feet is permitted; (iii) §330-83G(1) (yards) to allow parking spaces to be located within the transitional rear yard; and (iv) §330-78 (placement of accessory buildings and uses in non-residential districts) to allow parking to be located zero feet from portions of the side and rear property lines where 20 feet is required and any other relief necessary.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**Held over from the 8/15/19 meeting; adjourned from the 3/5/20 meeting (mtg. cancelled); and adjourned from the 05/07/20 meeting:**

10. **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.

**Adjourned from the 02/20/20 (mtg. cancelled), 03/19/20 (mtg. cancelled), 04/02/20 (mtg. cancelled) and the 05/07/20 meetings; held over from the 05/21/20 meeting:**

11. **94 Dune Road Holding Corp.** (app# 2000010) 900-385-1-37.3 East Quogue  
94 Dune Road 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 One story frame building with 2<sup>nd</sup> floor office, restaurant/bar, marina with tennis courts, decks and parking to a twenty-five (25) unit multi-family condominium use with a swimming pool and accessory building (cabana) and any other relief necessary.

**Adjourned from the 02/20/20 (mtg. cancelled), 03/19/20 (mtg. cancelled), 04/02/20 (mtg. cancelled) and the 05/07/20 meetings; held over from the 05/21/20 meeting:**

12. **Emma Carrera-Cruz & Luis Idrovo Urgiles** Michael 900-268-3-2 Hampton Bays  
3 Woodridge Road (app# 200017)  
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 35.1 feet where 40 feet is required for a proposed covered porch addition to an existing dwelling on a nonconforming lot. In addition, applicant requests the following relief from the provisions of Town Code §330-11.2F (accessory apartment special standards) to legalize an accessory apartment constructed in the basement of the dwelling without the benefit of a building permit: (i) relief to allow the accessory apartment to remain on a lot that is less than 30,000 square feet, (ii) lot area from 16,000 square feet to 10,667 square feet (80% of the required 20,000 square feet), and (iii) a principal rear yard setback of 37 feet +/- where 42 feet is required (70% of the required 60 feet) and any other relief necessary.

**Adjourned from the 02/20/20 (mtg. cancelled), 03/19/20 (mtg. cancelled), 04/02/20 (mtg. cancelled) and the 05/07/20 meetings; held over from the 05/21/20 meeting:**

13. **Edward Czaplinski** (app# 2000015) Keith 900-254-1-43 Hampton Bays  
46 Sherwood Road  
Applicant requests relief from the following provisions of the Town Code to legalize an accessory apartment constructed within the basement of a dwelling on a nonconforming lot without the benefit of a building permit: (i) §330-11.2F (accessory apartment special standards) to allow an accessory apartment to be located on a parcel that has a lot area of less than 30,000 square feet and (ii) §330-11.2G(1) to allow the size of the accessory apartment to be 40% of the total floor area of the principal dwelling where a maximum of 35% is permitted and any other relief necessary.

**HOLDOVER APPLICATIONS (continued)**

**SCTM – HAMLET**

**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, 01/06/20, 02/20/20 (mtg. cancelled) and the 3/5/20 meeting; adjourned from the 5/7/20 and the 07/02/20 meeting:**

14. **KAARP Management Group, LLC** (app# 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.

**RE-OPENED APPLICATION**

**SCTM – HAMLET**

**Re-Opened and adjourned from the 07/02/20 meeting:**

15. **27 Dune, LLC** Brian 900-386-2-2 East Quogue  
 27 Dune Road  
 Applicant requests relief from the following provisions of the Town Code: 1) Section 330-46.2B(4) (adjacent areas) for a proposed total side yard setback of 22.52 feet for the construction of a shed, outdoor shower, deck, pool and spa on a nonconforming lot where a total side yard setback of 28.80 feet is required (the total required side yards of the principle building shall at a minimum constitute 40% of the lot width); and 2). Section 330-46.2B(4)(b) for a proposed minimum side yard setback of 11 feet from the easterly lot line for the construction of a shed, outdoor shower, deck, and spa and a proposed minimum side yard setback of 10 feet from the westerly lot line for the construction of swimming pool where the minimum required side yard setback for each side shall be 11.52 feet (the minimum side yard for the principle building (including attached decking and porches) for each side shall be the lesser of 20% of lot width or 20 feet) and any other relief necessary.

**DECISIONS**

**DATE CLOSED**

**SCTM – HAMLET**

1630 North Highway Southampton Corp. (written submissions by July 3 <sup>rd</sup> )	Brian	06/04/20	900-177-4-29	Shinnecock Hills
Charles and Theresa Westergard (written submissions by July 3 <sup>rd</sup> )	Cornelius	06/04/20	900-95-1-23	North Sea
M.O.P. Dreams, LLC (written submissions by July 3 <sup>rd</sup> )	Helene	06/04/20	900-383-2-13	Quiogue
Michael Bruno (written submissions by July 3 <sup>rd</sup> )	Michael	06/04/20	900-15-2-15	Noyac

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<b><u>DECISIONS (continued)</u></b>		<b><u>DATE CLOSED</u></b>	<b><u>SCTM – HAMLET</u></b>	
William Kienke (written submissions by July 3 <sup>rd</sup> )	Jason	06/04/20	900-62-1-48	North Sea
Antoinette Novick (written submissions by July 3 <sup>rd</sup> )	Cornelius	06/04/20	900-340-1-4	East Quogue
River Rock Structured Capital, LLC (written submissions: from attorney’s for all parties by June 18 <sup>th</sup> and from the public by July 3 <sup>rd</sup> )	Adam	06/04/20	900-115-1-8	Water Mill
Linda Held (written submissions)	Helene	07/02/20	900-49-1-5.4	Bridgehampton
Brian Parente (written submissions by June 19 <sup>th</sup> )	Jason	05/21/ 20	900-232-3-46	Shinnecock Hills
2331 Montauk, LLC (written submissions by June 19 <sup>th</sup> )	Keith	05/21/20	900-86-1-6	Bridgehampton
Sea Glass Ventures, LLC (written submissions by June 5 <sup>th</sup> )	Michael	05/07/20	900-134-3-13	Bridgehampton
Jack Bartelme (written submissions by June 5 <sup>th</sup> )	Keith	05/07/20	900-25-1-35	Sag Harbor