PRELIMINARY AGENDA – NOT OFFICIAL

SOUTHAMPTON TOWN ZONING BOARD OF APPEALS
PUBLIC HEARING AGENDA
November 7, 2019

The Zoning Board of Appeals meeting is held in the Auditorium (main floor) of Town Hall, 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

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MINOR VARIANCE REVIEW

None scheduled for this meeting

NEW APPLICATIONS

1. Christopher Norwood (app# 1900144) Michael 900-5-2-31 Noyac
   7 Right of Way off Noyack Avenue
   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 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.
NEW APPLICATIONS (continued)

2. **Jeffrey & Beth Gardner** (app# 1900145)  
   15 Sagamore Road  
   Hampton Bays  
   Applicant requests relief from the following provisions for a proposed 2nd floor addition and two (2) 1st floor additions to an existing dwelling situated on a nonconforming lot containing three (3) dwellings: (i) §330-116 (extension) as it relates to §330-167B(1)(a) (specific types of variances) for an expansion of a nonconforming use and (ii) §330-84D (pyramid height) for a proposed encroachment in the amount of 1,538 +/- cubic feet (508 cf existing + 1,030 cf proposed) and any other relief necessary.

3. **J. Campo Associates** (app# 1900146)  
   6 Clara Drive  
   East Quogue  
   Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 74 feet +/- where 100 feet is required for the proposed two-story dwelling and any other relief necessary.

4. **Nicholas Coslov** (app# 1900147)  
   18 Trelawney Road  
   Bridgehampton  
   Applicant requests a determination as to whether or not the following are subordinate or incidental buildings and uses pursuant to Town Code §330-5 (definitions) because of their sizes in proportion to the main dwelling and their uses: (i) the proposed three-car garage, (ii) the proposed underground parking garage and storage and (iii) the proposed accessory building (pool house (cabana) with covered porch). In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 20 feet where 30 feet is required and an accessory distance from street setback (front yard) of 51 feet where 90 feet is required from the southerly lot line (Trelawney Road) for the proposed underground parking garage and storage and any other relief necessary.

5. **Fernando Leonel Pacheco** (app# 1900148)  
   18 Knoll Road  
   North Sea  
   Applicant requests relief from the following provisions of the Town Code to legalize an accessory apartment located in the basement of the main dwelling without the benefit of a building permit on a nonconforming lot: 1. §330-11.2F (accessory apartment special standards): (i) relief to allow the accessory apartment to remain on a lot that is less than 20,000 square feet, (ii) Lot area of 14,313 square feet where 32,000 square feet is required (80% of the required 40,000 square feet), (iii) lot width of 66.86 feet where 105 feet is required (70% of the required 150 feet), (iv) a principal minimum side yard setback of 11.7 feet where 14 feet is required (70% of the required 20 feet), (v) a principal total side yard setback of 24.9 feet where 42 feet is required (70% of the required 60 feet); 2. §330-11.2G(1) to allow the total floor area of the accessory apartment to be 89% +/- where a maximum of 35% is permitted, and 3. §330-11.2(H) to allow the accessory apartment to contain three (3) bedrooms where a maximum of two (2) bedrooms is permitted. In addition, applicant requests relief from Town Code §330-83C (yards) to allow a 5 foot eave constructed without the benefit of a building permit on the front of the dwelling where a maximum projection of 18 inches is permitted and Town Code §330-77G (placement of accessory buildings, structures and uses in residence districts) to allow air conditioning units installed without the benefit of a building permit to remain at a side yard setback 7.5 feet where a setback of 10 feet is required and any other relief necessary.
NEW APPLICATIONS (continued)

6. **Eckel Development, LLC** (app# 1900149)  
   Cornelius 900-99-3-7 North Sea  
   18 Whitfield Road  
   Applicant requests a determination that the subject parcel SCTM# 900-99-3-7 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. In addition, applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 40.2 feet where 80 feet is required for a proposed two-story with attached garage on a nonconforming lot and any other relief necessary.

7. **Eckel Development, LLC** (app# 1900150)  
   Cornelius 900-99-3-8 North Sea  
   14 Whitfield Road  
   Applicant requests a determination that the subject parcel SCTM# 900-99-3-8 is held in single and separate ownership from all adjacent parcels and thus entitled to relief pursuant to §330-115D. In addition, applicant requests relief from Town Code §330-115C (continuance) for a principal front yard setback of 41 feet where 45.4 feet exists; all for a proposed two-story dwelling with attached garage on a nonconforming lot and any other relief necessary.

READVERTISED APPLICATIONS

8. **Ira Trachtenberg** (app# 1900135)  
   Jason 900-67-1-3.2 Water Mill  
   32 Cooks Lane  
   Applicant requests relief from the following provisions of the Town Code: (i) §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 50 feet from the easterly lot line (Hayground Road) where 60 feet is required for a proposed two-story dwelling; (ii) §330-11 for an accessory distance from street setback (front yard) of 61.8 feet from the westerly lot line (Cooks Lane) where 70 feet is required; and (iii) §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 for the principal building on a nonconforming lot and any other relief necessary.

9. **Jasper Rose, LLC** (app# 1900131)  
   Helene 900-134-5-29 Bridgehampton  
   97 Sandpiper Lane  
   Applicant requests relief from Town Code §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the existing swimming pool and deck to be located within the required total side yard for the principal building as a result of a proposed first and second floor addition to the existing dwelling on a nonconforming lot and any other relief necessary.

NEW - ADJOURNED APPLICATIONS

None scheduled for this meeting

SCOPING SESSION

None scheduled for this meeting
MODIFICATION REQUEST

10. 277 Surfside, LLC. 277 Surfside Drive. Bridgehampton.
    SCTM# 900-117-2-22. On September 1, 2016, by decision number D016125, this Board granted
    the applicant relief from various provisions of the Town Code for the following: (i) to allow a
    proposed cabana, that would include an outdoor kitchen and bathroom enclosure to be located
    within the required minimum and total side yard of the principal building, (ii) a portion of the
    proposed patio that falls between the principal structure and the proposed canopy and (iii) to allow
    a three-story dwelling where story height is limited to two stories. By letter dated October 3,
    2019, John Bennett of Bennett & Read, LLP, attorney for the applicant, is requesting that said
    decision be modified to address as-built conditions with respect to the portion of the proposed
    patio that falls between the principal structure and the proposed canopy at the subject property, to
    wit, (i) an accessory side yard setback of 10.1 feet where 10.3 feet was previously granted (§330-
    46.2(4)(b)), (ii) a total side yard setback of 34.8 feet where 31 was previously granted (§330-
    46.2(4)(a), and (iii) a total side yard setback of 47.2 feet where 47.7 was previously granted (§330-
    46.2(4)(a)).

RE-OPENED APPLICATIONS

SCTM – HAMLET

Re-Opened and Adjourned from the 10/17/19 meeting:

11. The Harvey T. Edwards Jr Irrevocable Trust (app#1900136)
    110 Old Country Road Adam 900-330-1-3.1 Westhampton
    Applicant requests a determination as to whether or not the proposed barn 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. In addition, applicant requests relief from the following provisions
    of the Town Code: 1. For the proposed barn with attached porch: (i) §330-11 (residential districts
    table of dimensional regulations) for an accessory distance from street (front yard) setback of 22.9
    feet where 110 feet, (ii) §330-115D(5) (continuance) for an accessory side yard setback of 18 +/-
    feet where 30 feet is required, and (iii) §330-76D (placement of accessory buildings, structures
    and uses in all districts) and §330-83C (yards) to allow the barn with attached porch to be located
    within the required front yard for the principal building; 2. For the proposed swimming pool: (i)
    §330-11 for an accessory distance from street (front yard) setback of 35.4 feet where 110 feet is
    required; 3. For the existing dwelling: §330-55 (transfer of residential development rights
    procedure) for a principal rear yard setback of 13.6 feet where 27.2 feet is permitted for the
    existing dwelling and any other relief necessary.

Re-Opened and Adjourned from the 10/17/19 meeting:

Held over from the 9/19/19 meeting:

12. Scott Jacobs and Sara Jacobs  Brian 900-27-2-17.1 North Sea
    80 Whalebone Landing Road
    By decision number D017158, dated November 16, 2017, this Board granted pyramid height in
    the amount of 654.87 cubic feet and a principal total side yard setback of 24.17 feet for a proposed
    dwelling with a 2nd floor cantilever. By letter dated August 14, 2019, Daphne Vaughan of
    Surfside Environmental Planning, Inc., agent for the owner, is requesting that said decision be
    amended to reflect new plans and a new survey for a proposed project that is similar in nature to
    the project previously granted. (MODIFICATION REQUEST)
HOLDOVER APPLICATIONS

13. **KTB Flying Point Revocable Trust** (appl. 1800127)  
   500 Flying Point Road  
   Keith 900-160-1-26  
   Water Mill  
   Applicant requests relief from the following provisions of the Town Code for a proposed carriage house on a lot where a single family dwelling and apartment exist: (i) §330-167B(1)(a) and §330-167B(1)(d) (specific types of variances) for the expansion of a nonconforming use; (ii) §330-9D(4) (density incentive provisions) to allow a carriage house to constructed on a lot where two dwelling are existing; (iii) §330-9D(4) for a waiver of one or more development right or PBC; (ii) §330-9D(4)(c) to allow a rear yard setback of 24 feet where 50 feet is required; (iii) §330-9D(4)(e) (height) to allow the proposed carriage house to be 26 feet 3 3/8 inches where a maximum of 24 feet is permitted and any other relief necessary.

14. **Tiana Bay Apartment Owners, Inc.**  
   Brian 900-320-1-9.1  
   Hampton Bays  
   50 Rampasture Road (app# 1900072)  
   Applicant requests relief from the following provisions of the Town Code: (i) §330-155E (conversion to residential condominium or residential cooperative) to allow 59 of 60 pre-existing nonconforming units to have a floor area of less than 600 square feet; (ii) For the deck around the gazebo: §330-83A(4) (yards) to allow an existing deck higher than 1 foot above the ground to remain within the required front yard; (iii) For the gazebo: §330-11 (residential districts table of dimensional regulations) to allow an existing gazebo to have a setback of 14.9 feet where 70 feet is required , §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the gazebo to remain within the required front yard; (iv) For the wood deck on the west side of the "Bay Front" building: §330-11 for an accessory side yard setback of 11.1 feet where 20 feet is required and for an accessory front yard setback of 55.7 feet where 70 feet is required, relief from §330-83A(4) to allow a deck higher than 1 foot above the ground to remain within the required front yard; and (v) To legalize the wood deck on the east side of the "Bay Front" building: §330-11 for an accessory side yard setback to 18.3 feet where 20 feet is required and any other relief necessary.

Held over from the 11/1/18 meeting and adjourned from the 1/17/19, 3/7/19, 4/4/19 and the 5/16/19 meeting:

15. **Hampton Cove Realty** (appl. 1800138)  
   Adam 900-323-2-6.1  
   Hampton Bays  
   4 Penny Lane  
   Applicant requests relief from Town Code §330-116 (extensions) as it relates to Town Code §330-167B(1)(a) (specific types of variances) and Town Code §330-167B(1)(d) to permit the expansion of a nonconforming use, to wit, legalize the conversion of a garage into a cottage without the benefit of a building permit on a parcel improved with one two-bedroom cottage w/deck and four one-bedroom cottages with porches and any other relief necessary.
HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Hearing date set at 10/3/19 meeting:

16. PMG LI, LLC (appl. 190084) Keith 900-256-1-1 Hampton Bays
239 West Montauk Highway
Applicant requests an interpretation that the proposed 1,200 square foot convenience store is a customary accessory use to the existing gasoline station at the subject premises. In addition, applicant requests relief from the following provisions of the Town Code: 1. §330-95 (schedule of off-street parking space requirements for nonresidential uses) to allow 16 on-site parking spaces, where a minimum of 17 spaces is required, 2. Freestanding single pole sign "#1": a) A single pole sign is required to utilize only wood or metal in the design and construction, and include a decorative horizontal support, as illustrated, pursuant to §330-205B(4) (general provisions) where the design does not include a hanging decorative support and is not permitted, b) A single pole sign is required to utilize only wood or metal in the design and construction, pursuant to §330-205B(4) (general provisions) and where the design includes a plastic message area and is not permitted, c) The "Price Box" attached to midpoint of pole structure is a prohibited design component pursuant to §330-203B(12) (exempt and prohibited signs), d) The maximum allowable sign area for a single pole sign is 16 square feet pursuant to §330-205B(4), where the area of signage is to be 50.8 sq. ft. (34.8 sq. ft. “Mobil”, 16 sq. ft. "price box"), e) A single pole sign is allowed to be up to an 8'-0" maximum height above grade pursuant to §330-205B(4), where a height of 17'-0" exists, f) The sign structure is located within the "corner clearance" area pursuant to §330-205B(2), a prohibited area of the parcel, g) A minimum 20'-0" front yard setback to the base of the pole is required pursuant to §330-205B(2) and §330-205B(4), and where a setback of 9.4 feet is along the northwesterly lot line arc at the corner intersection, h) The sign is only permitted to exist within the "sky plane" as defined by §330-84D (pyramid height), where only that portion of the sign that lies within the "sky plane" is allowed. Here, there is a pre-existing volume of encroachment of 34.9 cubic feet, and an additional volume of encroachment of 42.90 cubic feet, and where an additional encroachment of 8 cubic feet exists, and 3. Existing roof canopy signs "#2" & "#3": a) Signs erected upon a detached roof canopy are not permitted pursuant to §330-205.B.(Freestanding signs, including pole and monument signs) where only dual pole, single pole, and monument freestanding types are permitted, b) A sign attached to a detached accessory canopy is prohibited pursuant to §330-203.B(12) in that permanent signs attached to structures or otherwise displayed in any manner designed to circumvent the restrictions in this article are prohibited, c) All signs within a residence zoning district shall be wood or wood appearing pursuant to §330-206.D via §330-206.G. and where a plastic message area is existing and any other relief necessary.

DECISIONS

SCTM – HAMLET

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