

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
September 19, 2019

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. **On The Canal Apartment Owners Corp. (Unit#9)** 900-258-1-8.1 Hampton Bays
12 East Tiana Road Cornelius
Applicant request relief from Town Code §330-155D (conversion to residential condominium or residential cooperative) to permit a 360 square foot expansion of Unit 9 which is located on a parcel with ten (10) residential cooperatives where the existing density of ten (10) units exceeds the maximum allowable density in the R-40 Zoning District and any other relief necessary.
2. **Marilyn Pacella and John DeVito** (app. 19001120)
23 Cove Road Brian 900-61-1-34 North Sea
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal total side yard setback of 34.9 feet where 60 feet is required for a proposed one-story addition to an existing dwelling and any other relief necessary.

NEW APPLICATIONS (Continued)

SCTM – HAMLET

3. **Margaret N. Conklin Revocable Trust** (app. 1900121)
25 Narrow Lane Michael 900-81-2-24 Water Mill
Applicant requests relief from the following provisions of the Town Code for a proposed two-story dwelling on a nonconforming lot: 1. §330-11 (residential districts table of dimensional regulations): (i) for principal front yard setbacks of 25 feet from the easterly and westerly lot lines (Scuttle Hole Road & Narrow Lane), respectively, where 80 feet is required; (ii) a principal minimum side yard setback of 15 feet where 30 feet is required; (iii) a total lot coverage of 12.8% where a maximum of 10% is permitted; 2. §330-83B (yards) to allow the 2nd floor balcony project more than eight feet into the required front yard; and 3. §330-84D (pyramid height) for a proposed encroachment in the amount of 818 cubic feet. In addition, applicant requests relief from the following provisions of the Town Code for the location of the proposed swimming pool: (i) §330-11 for accessory distance from street setbacks of 25 feet from the easterly lot line (Scuttle Hole Road) and 18 feet from the westerly lot line where 90 feet is required from each lot line respectively 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 and any other relief necessary.

4. **Jason and Kay Davis** (app. 1900124) Helene 900-186-2-2.1 Hampton Bays
18 East Landing Lane Road.
Applicant requests relief from the following provisions of the Town Code for a proposed garage addition to an existing dwelling: (i) §330-11 (residential districts table of dimensional regulations) for a principal rear yard setback of 13.2 feet where 60 feet is permitted; and (ii) §330-84D (pyramid height) for an encroachment in the amount of 3 cubic feet and other relief necessary.

5. **Estate of Daniel Tompkins** (app. 1900122) Adam 900-123-3-38.1 Flanders
16 Moon Avenue
Applicant requests relief from Town Code §330-11 (residential districts table of dimensional regulations) for a principal front yard setback of 26.8 feet where 30 feet is required to legalize an addition to the existing dwelling without the benefit of a building permit and a principal front yard setback of 23.4 feet where 30 feet is required to legalize a wood porch addition to the existing dwelling without the benefit of a building permit. In addition, applicant requests relief from Town Code §330-11 for an accessory side yard setback of 4.9 feet where 8 feet is required and relief from §330-84D (pyramid height) to legalize the location of the frame shed and any other relief necessary.

6. **Frederick M. Pignataro & Lauren D. Pignataro** (app. 1900123) 900-322-3-2 Hampton Bays
25 Oak Lane Keith
Applicant requests relief from the following provisions of the Town Code for a proposed one-story garage addition to the existing dwelling on a nonconforming lot: (i) §330-115(D)(3) (continuance) for a principal minimum side yard setback of 31.6' +/- where 35 feet is required and (ii) Town Code §330-84(D) (pyramid height) for a proposed encroachment in the amount of 225 cubic feet and any other relief necessary.

NEW APPLICATIONS (Continued)

SCTM – HAMLET

7. **Meritt Thomas** (app. 1900125) Jason 900-69-5-4 Bridgehampton
47 Corwith Avenue
Applicant requests relief from the following provisions of the Town Code for the proposed overhang feature which is being added to a two-story dwelling under renovation on a nonconforming lot: (i) §330-11 (residential districts table of dimensional regulations) for a total lot coverage of 20.85% where a maximum of 20% is permitted and (ii) §330-84D (pyramid height) for an encroachment in the amount of 4.6 +/- cubic feet and any other relief necessary.

MODIFICATION REQUEST

SCTM – HAMLET

8. **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.

READVERTISED APPLICATIONS

SCTM – HAMLET

None scheduled for this meeting

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 3/21/19 meeting; adjourned from 04/18/19 and the 7/18/19 meeting.

9. **Konner Friedlander Gateway 1, LLC** (appl. 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

Re-Opened and adjourned from the 6/20/19 meeting; adjourned from the 7/18/19 meeting:

10. **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 5/16/19 meeting; adjourned from the 6/6/19 and the 8/1/19 meeting:

11. **Kevin Mance & Janet Rost-Mance** (appl. 1900055) 900-51-1-20.1 Bridgehampton
570 Lumber Lane Adam
On May 16, 2013, by decision number D013185, this Board granted the applicants variance relief for an addition to an existing shed and relief for the conversion of a barn into an accessory apartment. The relief is granted was conditioned on the applicants and/or any future owner of the subject property removing the second driveway (for the inhabitants of the existing accessory apartment) within one year of the date of this decision, and obtaining all required approvals for parking for the existing accessory apartment from the Southampton Town Building Department. By letter dated April 10, 2019, Kevin Mance has requested that the Board modify said decision to allow the second driveway to remain in its current location. This application was re-opened and is being advertised for further discussion.

Held over from the 8/15/19 meeting:

12. **528 Mecox Road, LLC** (appl. 190104) Michael 900-104-2-4 Water Mill
528 Mecox Road
Applicant requests relief from the following provisions of the Town Code to legalize the location of an outdoor kitchen constructed without the benefit of a building permit: (i) §330-11 (residential districts table of dimensional regulations) for an accessory side yard setback of 8 feet where 20 feet is required and (ii) §330-76D (placement of accessory buildings, structures and uses in all districts) and §330-83C (yards) to allow the outdoor kitchen to remain in its current location and any other relief necessary.

HOLDOVER APPLICATIONS (continued)

SCTM – HAMLET

Held over from the 6/6/19 meeting; re-opened at the 8/1/19 meeting; adjourned from the 8/15/19 meeting:

13. **The Patricia A. Bencardino Trust** Michael 900-33-1-80 North Sea
88 Peconic Hills Drive
On May 20, 1999 by decision number D10344, this Board granted the applicant a rear yard coverage of 24% for a proposed tennis court. By letter dated May 13, 2019, Kieran Pape Murphree, attorney for the applicant, submitted a letter requesting that said decision be modified to correct an error with respect to the rear yard coverage calculation.

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; held over from the 8/1/19 and 8/15/19 meeting:

14. **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.

Held over from the 8/1/19 meeting; adjourned from the 8/15/19 and the 9/5/19 meeting:

15. **Giulliana Albarracin** (appl. 1900095) Brian 900-145-1-19 Flanders
192 Brookhaven Avenue
Applicant requests relief from the following provisions of the Town Code to legalize the construction of an accessory apartment within the main dwelling on a nonconforming lot: (i) §330-11.2(F) (accessory apartment special standards) to allow an accessory apartment to be located on a lot that has a lot area of less than 20,000 square feet; (ii) §330-11.2(F) for lot area of 15,000 square feet where 32,000 square feet is required (70% of 40,000 square feet); and (iii) to allow the accessory apartment to be 73% of the total floor area of the principal dwelling and any other relief necessary.

SEQRA – LEAD AGENCY RESOLUTION

SCTM – HAMLET

16. **Thomas R. Stachecki Living Trust** Adam 900-78-1-20.1 North Sea
1205 Majors Path

Motion: _____

2nd: _____

In Favor: _____

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SEORA – LEAD AGENCY RESOLUTION

SCTM – HAMLET

17. **PMG LI, LLC** Keith 900-256-1-1 Hampton Bays
 Motion: _____
 2nd: _____
 In Favor: _____

DECISIONS

DATE CLOSED

SCTM – HAMLET

27 Dune, LLC Brian 06/20/19 900-386-2-2 East Quogue
 (written submissions)

Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1900093)
 (written submissions by Sept. 4th) Adam 05/02/19 900-43-1-38 North Sea

Marc Levin & Marianna Loose (Lewis J. Liman & Lisa C. Liman – Applicants) (app# 1800172)
 (written submissions by Sept. 4th) Adam 05/02/19 900-43-1-38 North Sea

Lidia Chaplynsky Keith 09/05/19 900-9-1-34 Noyac

Ruben Gutierrez Adam 09/05/19 900-323-1-8 Hampton Bays

Andes, Inc. Michael 09/05/19 900-190-1-29 Hampton Bays

Joseph F. Ceravolo Adam 08/01/19 900-259-2-12 Hampton Bays
 (written submissions from neighbors by Aug. 16th and from Timothy McCulley by Aug. 28th)

Maria & Michael Rothstein Helene 05/16/19 900-345-2-1 Hampton Bays
 (written submissions)