

ZONING BOARD OF APPEALS AGENDA
Thursday, June 15, 2017 7:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

ALL NEW INFORMATION MUST BE SUBMITTED **BEFORE 3 P.M. ON JUNE 16, 2017 FOR THE JULY 20, 2017 MEETING.** IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON May 11, 2017, THE APPLICATION WILL BE DENIED WITHOUT PREJUDICE. APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE MEETING OR THE CASE MAY NOT BE HEARD AT THE BOARD'S DISCRETION.

MINUTES TO BE APPROVED

May 18, 2017

DECISIONS:

- 1. Flavio V. Sinchi, 33 Oak Street, (905-8-3-20)** Applicant requests a variance to demolish an existing dwelling and garage and to construct a new dwelling and garage. The dwelling is proposed at 22.3' from the front lot line and 18' from the rear lot line when Chapter 197-9. D. requires a 40' setback. The rear deck is 8' from the lot line when Chapter 197-35.C. requires a minimum of 15'. Chapter 197-35.A. requires all accessory structures to be located in the rear yard and the swimming pool is located in the side yard of the dwelling. The subject property is located in the R-4 Zoning District.
- 2. Jason Reutter, 15 Redfield Lane, Westhampton Beach (905-5-3-6).** Applicant requests variances to construct 1st and 2nd story additions to an existing dwelling. Applicant requests variances for a minimum side yard at 10.9 and a total side yard at 25.9' when chapter 197-9.D. allows a minimum side yard of 15' and a total side yard of 40'. The property is located in the R-4 zoning district.
- 3. 123 Mill Road LLC, 123 Mill Road, (905-12-4-1)** Applicant proposes to construct a ground sign on a vacant lot in the B-1 Zoning District. The sign will advertise a business on an adjoining lot. The ground sign as proposed is in violation of the following Village sign ordinance regulations. Chapter 197-30.D.(11), billboards are a prohibited sign. Chapter 197-30.C.(9)(a), the building on the lot must be setback 40', there is no building on the subject property. Chapter 197-30.C.(9)(c), the proposed ground sign is 18 square feet when the Village Code limits ground signs to 12 square feet in the B-1 Zoning District.
- 4. Mark Hertzovitz, 80 Depot Road, (905-2-1-8)** Applicant is the owner of a property in the R-2 Zoning District which benefits from a Certificate of Occupancy for a non-conforming use consisting of one single family two-story dwelling and one, two-family single story dwelling. The use on the property is non-conforming because it contains three dwelling units and Chapter 197-7.A. allows one dwelling unit on any lot in the R-2 Zoning district. Therefore, the applicant requests a permit by the Board of Zoning Appeals to alter and renovate both

buildings including altering the roof to construct a dormer on the two-story dwelling. The provisions allowing alterations to a nonconforming use by the Board of Zoning Appeals are provided in Chapter 197-29.C. of the Village Code.

HOLDOVERS:

5. Andersen-Kuntz 97 Hazelwood, Westhampton Beach (905-2-2-20.2) Applicant requests an interpretation of the village code that the Building Inspector erred when he determined that the nonconforming use on the property had been “discontinued” as provided for in chapter 197-29.E. of the Village Code. In lieu of a favorable determination by the Board the applicant requests a use variance from Chapter 197-5.A.(1) to allow multiple contractors offices with workshops and storage. The property is located in the MF-20 Zoning District.

6. Hunter Millington, 35 Griffing Avenue, Westhampton Beach (905-13-3-15) Applicant requests an area variance to construct a swimming pool, patio and spa in the front yard when Chapter 197- 35.A. of the Village Code allows accessory structures in the rear yard only. The property is located in the R-1 Zoning District.

7. Milton & Doryne Davis, 65 Oneck Road (905-10-3-39.1) Applicant requests a variance to build a 200 square foot pool house which will increase the lot coverage to 21% when Chapter 197-6 requires a total lot coverage of 20%. The property is located in the R-1 Zoning District.

8. Robert Enewitz and Anna Gerzon, 55 and 59 Old Riverhead Road, (905-4-1-7, 9.2, 9.3) Applicant requests a variance to construct 11 multi-family residential townhouses on a property located in the Hotel District (HD). The applicants parcel of land has a lot width of 173.04’ and an area of 123,226 square feet when Chapter 197-17.1 (table of dimensional regulations) requires a lot width of 300 feet and a minimum lot area of 200,000 square feet. The applicant also requests an interpretation that the Building Inspector erred and is incorrect in his interpretation that the maximum number of dwelling units allowed is based upon the Special Exception standard in Chapter 197-81.B, six units per 1 acre (43,560 square feet) and instead should be based on the “Multi Family 20 and Hotel District table of permitted unit density” located at the end of Chapter 197 which shows number of units based on 40,000 square feet.

9. Harvey Manes, 14 Stacey Drive (905-10-5-17.1) Applicant requests a variance to construct a new house, decks and septic system on a property located in the R-1 Zoning District. The dwelling is proposed 19.8’ from the East side lot line when Chapter 197-6.D. requires a minimum side yard of 30’.

10. Florence Butler (Stone Butler Living Trust), 57 Oak Street (905-5-1-38) Applicant requests a variance to construct first and second floor additions to an existing dwelling. Applicant proposes a minimum side yard on the North side of 6.7’ and a minimum side yard on the South side of 5.7’ when chapter 197-9.D of the Village Code required a 15’ minimum side yard. Applicant proposes a total side yard of 12.4’ when Chapter 197-9.D. requires a 40’ minimum side yard. Applicant proposes a 23.3’ front yard setback when Chapter 197-9.D.

requires a minimum front yard of 40'. Finally applicant proposes a lot coverage of 26.7% when Chapter 197-9.C. allows a maximum lot coverage of 20% The property is located in the R-4 Zoning District.

REQUEST FOR EXTENSION:

11. Marianne Koke, 14 Redfield Lane (905-5-2-31) Applicant requests a six month extension of their October 21, 2017 Board of Zoning Appeals determination which expired on April 21, 2017, up to and including October 21, 2017.

12. Thomas Martin, 36 Liberty Street (905-8-2-2) Applicant requests a 60 day extension of time to file the required covenant for the Zoning Board of Appeals determination dated November 17, 2016.

NEW APPLICATIONS:

13. Jason Behfarin, 93 Beach Lane (905-15-2-14.2) Applicant requests a variance to install a fence and a gate with a height of 5 feet in violation of Chapter 197-43 (A)(1) which requires that no fence within the front yard have a height greater than 4 feet.

14. 32 Sunset Lane LLC, 32 Sunset Lane (905—5-4-25) Applicant requests a variance to construct a deck and hot tub in the front yard in violation of Chapter 197-35 (A) which requires accessory structures to be located in the rear yard. The property is located in the R-4 Zoning District.

Dated: May 26, 2017