

**ZONING BOARD OF APPEALS AGENDA**  
**Thursday, January 18, 2018 5:00 P.M.**  
**MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH**

ALL NEW INFORMATION MUST BE SUBMITTED **BEFORE 3 P.M. ON January 19, 2018 FOR THE FEBRUARY 15, 2018, MEETING.** IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON January 11, 2018, 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.

**DECISIONS:**

**1. Sunset West LLC C/O Pan Bros., 87 & 131 Sunset Avenue, (905-12-1-48.4, 48.5 & 49) Applicant** requests a variance to install three (3) signs for a total of 37 sq. ft. and lettering to measure 17 5/16 inches. Property is located in the B-1 Zoning District. Chapter 197-30 (C) (1) (a) requires that each business establishment be permitted a maximum of (2) two signs with total of 20 square feet. Chapter 197-30 (C) (20) (b) requires that the lettering on wall signs in the B-1 District not exceed 10 inches.

**2. Mark and Christine Tobin, 185 Dune Road, (905-20-2-15)** Applicant requests a variance to raise an existing dwelling to conform with FEMA regulations, add an addition to the first and 2<sup>nd</sup> floor and a proposed Spa. The application is located in the Flood Zone, the Coastal Erosion Hazard Area and the R-3 Zoning District. The proposed 1st floor addition on the north side of the dwelling has a total sideyard of 43.2' when Chapter 197-8.D. requires 50'. The proposed 2nd story addition has a total side yard of 43.2' when Chapter 197-8.D. requires 50'. The proposed 2nd floor addition is 45' from the rear lot line when Chapter 197-8.D. requires 75'. The Proposed Spa is 41.3' from the Dune Crest line when Chapter 197- 35.C. requires accessory structures to be 75' from the dune crest. The work exceeds the restoration threshold in the CEHA in violation Chapter 74-8.A.(8) of the Village Code.

**HOLDOVERS:**

**3. 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.

**4. Doug and Barbara Gentile, 32 White Oak (905-9-1-1)** Applicant requests an area variance to construct a swimming pool which is not located in the rear yard in violation of Chapter 197-35.A. of the Village Code. The property is located in the R-1 Zoning District.

**5. Empire Custom Holmes, LLC, 52 Hazelwood Avenue (905-6-1-4.2)** Applicant requests the following variances to construct a new dwelling and inground swimming pool. The front yard setback is proposed at 30'5" when Chapter 197-D of the Village Code requires 40'. The rear yard setback is proposed at 18' when Chapter 197-9.D. of the Village Code requires 40'. The swimming Pool is not located in the rear yard as required by Chapter 197-35.A. of the Village Code. The property is located in the R-4 Zoning District.

**6. North Cudjoe LLC C/O John Podpirka, 392 Dune Road (905-19-4-2)** Applicant requests variance to add a first and second floor addition with side yards at 14'.8" and 24'.8" Applicant also requests a variance to construct a second story deck 14.8' off the property line. Property is located in the R-3 Zoning District. Chapter 197-(8) (D) requires two side yards totaling not less than 50 feet, neither of which shall be less than 20 feet. The application shows the minimum east side yard at 14'.8" and the west at 24'.8" for a total side yard of 39'.6". Chapter 197-35 (C) requires accessory structures be located 20 ft. off the property line.

**NEW APPLICATIONS:**

**7. Harvey Coopersmith, 433 Dune Road (905-17-5-20)** Applicant requests variances to reconstruct a deck in the front yard 6' from the front property line and 18' from the West property line in the R-5 Zoning District. The Village Code allows accessory structures in the rear yard only and a minimum of 20' from any property line as provided for in Chapter 197-5.A.(1) and 197-35.C. of the Village Code.

**8. Constance Rubin, 21 Liberty Street (905-8-1-39.2)** Applicant request a variance for additions and alterations to an existing single-family dwelling in the R-2 Zoning District. Applicant requests a variance to construct a covered front porch 45' from the front property line and to construct a living room addition 49.6' from the front property line when Chapter 197-7.D. of the Village Code requires 50'. Applicant also proposes a second floor dormer addition 14' from the South side yard property line when Chapter 197.7.D requires 20' minimum.

**9. Doug and Barbara Gentile, 32 White Oak Lane (905-9-1-11)** Applicant requests a variance to construct a new swimming pool on a lot located in the R-1 Zoning District. The swimming pool is in the side yard and the front yard 42' from the front property line adjacent to South Road when Chapter 197-35.A. of the Village Code allows accessory structures in the rear yard only.

**10. The Sandpiper at Westhampton Beach, Inc., (Bayside) 476 Dune Road (905-16-1-26.2)** Applicant requests a Special Permit to reconstruct a swimming pool, deck, filtration system, and tennis court and to renovate and alter a pool house. The Special Permit issued by the Board of Zoning Appeals is provided for under Chapter 197-5.A.(1) and 197-29.C.(1) of the Village Code. Applicant also seeks a variance to reconstruct the swimming pool deck structure 15' from the front property line and the tennis court 4.5' from the front property line when Chapter 197-35.C. of the Village Code requires 20'. Finally, the applicant proposes to construct a tennis court at the existing grade level when Chapter 197-28 and Chapter 197-63.P.(3) require the tennis court to be recessed 2' below the existing grade. The Sandpiper is a non-conforming

Multi-Family Cooperative located in the R-3 Zoning District and the subject structures are accessory to the Cooperative.

**11. Marty Litt, 336 Dune Road (905-18-1-14)** Applicant requests a variance to demolish an existing dwelling and all structures on the property, and to construct a new single-family dwelling, deck, swimming pool, spa, cabana, trellis, patio, septic system and retaining walls. The applicant proposes the new dwelling with total side yards of 41.1' when Chapter 197-8.D. of the Village Code requires 50'. Applicant also requests a variance to construct retaining walls in violation of Chapter 197-43.(C) of the Village Code or in the alternative, a review and interpretation by the Board of Zoning Appeals that the Building Inspector erred in his interpretation of the Code and that all of the walls are necessary for the septic system, and therefore are allowed. The subject property is located in the R-3 Zoning District and the Flood Zone.

**12. Mara, 15 Fiske Avenue (905-9-2-34)** Applicant requests a Permit from the Board of Zoning Appeals to reconstruct a non-conforming accessory cottage as provided for Chapter 197-29.C of the Village Code. In addition, applicant proposes to construct the accessory cottage between the dwelling and Fiske Avenue, and not in the rear yard as required by Chapter 197-35.A. of the Village Code. The property is located in the R-1 Zoning District and the Flood Plain.

**13. The Sandpiper at Westhampton Beach, Inc., 473 Dune Road (905-16-2-26.1)** Applicant requests the Board of Zoning Appeals reopen the determination to modify the condition to accept an application to further extend the existing decks on the East and West side of the building.

**REQUEST FOR EXTENSION:**

**14. BMB Enterprises, LLC., 145 Main Street (905-11-2-29)** Applicant requests a second extension of their Board of Zoning Appeals determination dated March 16, 2017 which expired on September 12, 2017; applicant hereby seeks an extension of time from September 12, 2017 up and including September 12, 2018.

**15. Thomas K. Martin, 36 Liberty Street (905-8-2-2)** Applicant requests an extension of their November 17, 2016 approval, and the condition which requires the applicant to obtain bank consent be eliminated.

Dated: January 18, 2018