

ZONING BOARD OF APPEALS AGENDA
Thursday, February 15, 2018 5:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

ALL NEW INFORMATION MUST BE SUBMITTED **BEFORE 3 P.M. ON February 16, 2018 for the March 18, 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.

MINUTES TO BE APPROVED

January 18, 2018

DECISIONS:

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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.

5. 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.

HOLDOVERS:

6. 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.

7. 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 at 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.

8. 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.

9. 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.

NEW APPLICATIONS:

10. Empire Custom Homes, 52A Hazelwood Avenue (905-6-1-4.2) Applicant requests variances to construct a two-story dwelling and attached garage. The proposed front yard setback is 25' and the proposed rear yard setback is 30' when Chapter 197-9. D. of the Village Code requires a 40' front and rear setback. The property is located in the R-4 Zoning District.

11. Michael Orbach, 38 Jessup Lane (905-10-7-4) Applicant request a variance for a dwelling with raised platform to support air conditioning equipment for the dwelling with a minimum side yard setback of 26.2' from the South property line and a total side yard setback of 65.8' when Chapter 197-6. D. requires a minimum side yard of 30' and total side yard of 70'. The property is located in the R-1 Zoning District and in the Flood Zone.

12. Stephen and Karen Frano, 10 Pine Street (905-6-1-17) Applicant requests a variance to construct an addition to an existing single-family dwelling. Applicant proposes a total side yard of 39.3' when Chapter 197-9. D. of the Village Code prohibits total side yards of less than 40'. Applicant also proposes a lot coverage of 20.2% when Chapter 197-C. of the Village Code prohibits lot coverage greater than 20%. The property is located in the R-4 Zoning District.

REQUEST FOR EXTENSION:

13. 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.