

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

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON March 23, 2018 for the **April 19, 2018**, MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON March 8, 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**

February 15, 2018

**DECISIONS:**

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

**5. 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.

**HOLDOVERS:**

**6. 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.

**7. 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.

**NEW APPLICATIONS:**

**8. Stinchi, 171 Montauk Highway (905-5-2-13)** Applicant proposes an addition to an existing retail liquor store. Applicant requests a variance for a minimum side yard of 3.8' and a total side yard of 25.8' when Chapter 197-17.1 prohibits a minimum side yard less than 20' and a total side yard less than 50'. The property is located in the B-2 Zoning District.

**9. Palagonia, 182 Dune Road (905-20-1-15)** Applicant proposes to construct a new single-family dwelling and septic system. Applicant requests a variance to place fill 5' from the front property line when Chapter 197-27. D. of the Village Code requires a 10' setback minimum. The property is located in the R-3 Zoning district.

**10. Laferrera, 285 Sunset Avenue, (905-5-2-25)** Applicant requests variances to demolish an existing dwelling and construct a new dwelling, porch and septic system. Applicant proposes side yards on the North and South side of 10' with a total side yard of 20' When Chapter 197-9.D. of the Village Code requires a minimum side yard of 15' with a total side yard of 40'. The property is located in the R-4 Zoning District

**11. Pintoff, 22 Beach Road (905-13-2-17)** Applicant requests a variance to construct a garage and storage building 6.7' from the South property line and 3.8' from the East property line when Chapter 197-35. C. requires a minimum setback of 20' to the property line. The property is located in the R-1 Zoning District.

**12. Schilling, 18 Pine Street (905-6-1-21)** Applicant proposes to construct a new single-family dwelling, deck and porch. The property is 9,550 square feet when Chapter 197-9. B. of the Village Code prohibits lots less than 15,000 square feet. The property is located in the R-4 Zoning District.

**13. Sandpiper at Westhampton Beach, 473 Dune Road, (905-16-2-26)** Applicant requests a Special Permit by the Board of Zoning Appeals to expand a deck on the East and West side of the existing building. The Sandpiper is a non-conforming multi-family Cooperative and therefore requires Board of Zoning Appeals approval as provided for in Chapter 197-29. C. (1) of the Village Code. Applicant also requests a variance to construct the deck on the East side 55' from the Crest of the Dune and the deck on the West side 9' from the crest of the dune when Chapter 197-35. C. of the Village Code requires structures to be at least 75' from the Crest of Dune. The property is located in the R-3 Zoning District.

**14. 517 Dune Road LLC, 517 Dune Road (905-16-2-6)** Applicant requests variances to demolish and reconstruct an existing dwelling on existing pilings and first floor joists. The property is located in the Coastal Erosion Hazard Area (CEHA) and the work exceeds the "restoration" threshold as defined by Chapter 74 (Coastal Erosion Management) in Violation of Chapter 74-8. C. of the Village Code. Applicant also requests a variance to replace a flat roof with a gabled roof on an accessory structure less than 6.1' from the property line when chapter 197-35. C. of the Village Code requires a minimum of 20 ft. from the property line. Applicant also proposes to reconstruct and extend the roof and walls of the dwelling 7.1' from the east property line and 10.6' from the west property line for a total side yard of 17.7' when Chapter 197-8. D. of the Village Code requires 20' minimum and total side yards of 50'. And finally, applicant requests a variance to maintain a total lot coverage of 36.8% when chapter 197-8. C. allows a maximum of 20%.

**REQUEST FOR EXTENSION:**

**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: March 1, 2018