

**ZONING BOARD OF APPEALS AGENDA**  
**Thursday, August 16, 2018 5:00 P.M.**  
**MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH**

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON August 17, 2018 for the **SEPTEMBER 20, 2018**, MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON AUGUST 9, 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**

July 19, 2018

**DECISIONS:**

- 1. Maguire, 24 Woodland Avenue, Westhampton Beach (905-12-2-20)** Applicant requests a variance to construct a roofed porch 43.9' from the front property line when chapter 197-7. D. of the Village Code requires a minimum of 50'. Applicant also requests a proposed lot coverage of 20.3% when Chapter 197-7. C. of the Village Code prohibits lot coverage from exceeding 20%. The property is located in the R-2 Zoning District.
  
- 2. Stuart R. Gelles, 413B Dune Road, Westhampton Beach (905-17-5-37)** Applicant requests a variance to construct a dwelling and decks within the Coastal Erosion Hazard Area in violation of Chapter 74.8.C. of the Village Code. Applicant also requests variances for a lot coverage of 23.1% When Chapter 197-10. C. (1) allows no greater than 20% and a rear yard setback for an accessory deck at 19.2' when Chapter 197-35. C. requires 20' setback. The property is located in the R-5 Zoning District.
  
- 3. Wolfersdorf, 17 Beach Road, Westhampton Beach (905-12-4-48)** Applicant requests area variances to construct additions to an existing single-family dwelling located in the HC Zoning District. The applicant requests an 18.4' front yard and a 26.8' rear yard when Chapter 197-17.1 of the Village Code requires a minimum of 20' and 30' respectively. Applicant also requests a minimum side yard for a proposed addition 9.7' from the North lot line when Chapter 197-17.1 of the Village Code requires 10'.
  
- 4. Bernstein, 37 Exchange Place, Westhampton Beach (905-15-5-29.1)** Applicant requests an area variance to reconstruct a tennis court and to construct a new swimming pool, porch and patio that are not located in the rear yard as required by Chapter 197-35. A. of the Village Code. The applicant also requests a variance to construct the court at existing grade When Chapter 197-63. P. (3) requires the court to be recessed 2' below the existing grade. Finally, the applicant requests a Special Permit from the Board of Zoning Appeals to reconstruct an existing accessory cottage as provided for in Chapter 197-29. C. of the Village Code. The property is located in the R-1 Zoning District and the Flood Plain.

**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. 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.

**7. Porter, 15 Jessup Lane, Westhampton Beach (905-10-6-21)** Applicant requests an area variance to construct a swimming pool located 10’ from the rear lot line when Chapter 197-35. C. of the Village Code prohibits accessory structures less than 10’ from any lot line. The property is located in the R-1 Zoning District.

**8. Nikolaides, 36 Hazelwood Avenue, Westhampton Beach (905-6-1-11.1)** Applicant requests a variance to subdivide a parcel of land into three (3) lots. Applicant proposes Lots #2 and #3 to be accessed by two 14’ wide flag lots at Hazelwood Avenue which does not comply with Chapter 197-9. B. of the Village Code which requires a lot width at the road of 75’. The applicant also requests a variance to create an 8’ side yard for the existing house on lot #1 when Chapter 197-9. D. requires a minimum side yard of 15’. The property is located in the R-4 Zoning District.

**NEW APPLICATION:**

**9. Jeffrey Siskin, 505 Dune Road, Westhampton Beach (905-16-2-12)** Applicant requests a variance to demolish an existing single-family dwelling down to the pilings and construct a new single-family dwelling with porch decks and a swimming pool. The property is located in the VE-16 Flood Zone and the Coastal Erosion Hazard Area (CEHA) on the South side of Dune Road. The following variances are requested for this project:

Constructing new structures within the (CEHA) in violation of Chapter 74-8.C. of the Village Code;

The front yard setback is 42.1' to the front porch and 47.6' to the house when Chapter 197-8.D. of the Village Code requires a minimum of 75' ;

The side yard setback to the dwelling is 16.4' to the East side yard and a total side yard of 36.5' when Chapter 197-8.D. requires 20' and 50' respectively;

The accessory deck is located 18.3' from the West side lot line and 15.7' from the East lot line when Chapter 197-35.C. requires a minimum setback of 20'

The swimming pool and deck is located 56' from the Crest of the Dune when Chapter 197-35.C. requires a minimum 75' setback;

The accessory deck on the East and West side of the dwelling is not located in the rear or front yard as required by Chapter 197-35.B.(1)

Dated: July 27, 2018