

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

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

September 20, 2018

DECISIONS:

1. Ocean Spray Pools, 97 Old Riverhead Road, Westhampton Beach (905-2-1-6.3)

Applicant requests a variance to construct and extend a parking area within the required 30' buffer in violation of Chapter 197-63. G.(11) (B) of the Village Code. The property is located in the B-3 Zoning District.

2. Rock Hill Partners, 159 Mill Road, Westhampton Beach (905-12-1-33.1 Applicant requests a variance to construct a new two-story office and 2nd floor apartment, parking lot and detached garage located on a lot in the HC Zoning District. The following variances are requested for this project:

The property is located in the HC Zoning District and as per Chapter 197-17.1 a front yard of 20' is required. The building is set back only 5.5' from Potunk Lane and 5.8' from Mill Road.

The parking is located within the 20' front yard 6' from Mill Road in violation of Chapter 197-16.4.A of the Village Code.

3. Mustafa and Deniz Gulsen, 11 Woodland Avenue, Westhampton Beach (905-12-2-9)

Applicant requests a variance to construct a new two-story single-family dwelling. The applicant requests a minimum side yard of 7.6' from the North property line and 19.8' from the South property line and a total side yard of 27.4' when Chapter 197-7. D. requires 20' and 50' respectively. The property is located in the R-2 Zoning District.

4. Brian Morrell, 51 Jessup Lane, Westhampton Beach (905-10-6-16) Applicant requests a variance to place fill 3' 3" from the North property line when Chapter 197-27. D. requires a 10' minimum setback. The property is located in the R-1 Zoning District.

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. 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.

7. 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)

The total required parking for this project is 9 spaces and only 8 spaces are provided in violation of Chapter 197-19 and 20 of the Village Code.

8. Robert Pair, 20 Lilac Road, Westhampton Beach (905-5-1-23) Applicant requests a variance to construct a retaining wall a maximum of 4' high on the South side of the property in violation of Chapter 197-43. C. of the Village Code which prohibits walls. The subject property is located in the R-2 Zoning District.

9. Larry Francis, 77 Library Avenue, Westhampton Beach (905-15-2-28) Applicant requests variances to demolish an existing dwelling and construct a new dwelling which positions an existing garage, existing swimming pool and existing patio in locations that are not in the rear yard as required by Chapter 197-35.A. Applicant also requests a variance to construct a new 1st and 2nd floor deck on the West side of the new dwelling in violation of Chapter 197-35. A. which requires all accessory structures to be located in the rear yard. Finally, applicant requests a variance to place fill up to the edge of the property line when Chapter 197-27. D. of the Village Code prohibits fill within 10' of the property line. The property is located in the R-1 zoning District and the Flood Plain.

10. Amy Song, 335 Dune Road, Westhampton Beach (905-18-2-13) Applicant requests variances to demolish an existing dwelling and to construct a new three-story dwelling and decks. The following variances are requested for this project.

The total side yard setback is proposed at 40' when Chapter 197-8.D. of the Village Code requires 50'.

The rear yard setback to the Crest of the Dune is proposed at 63.57' when Chapter 197-8.D. of the Village Code prohibits less than 75'.

Although the property is located on the South side of Dune Road the dwelling is entirely within an "X" Zone and the lowest level area used as a carport/storage and building entry area is a story as defined under Chapter 197-1 and therefore the proposed dwelling is a three-story building and prohibited under Chapter 197-8.E. which allows only two-story Dwellings.

The proposed project is located within the CEHA and new construction is prohibited as per Chapter 78-8. C. of the Village Code.

NEW APPLICATIONS:

11. Sandpiper, 473 Dune Road (905-16-2-26) Applicant is a Residential Co-Op and requests a variance to install a Residential Development Identification Sign on the wall in front of the Co-Op Building known as "The Sandpiper". Chapter 197-30. C. (1) (a) allows only permitted signs and a Residential Development Identification Sign is not a listed permitted sign and therefore is prohibited as provided for in Chapter 197-30. D. of the Village Code. The property is located in the R-3 Zoning District.

12. Rice, 435 Dune Road (905-17-5-22) Applicant requests a variance to construct a first-floor deck 12.2' from the West property line and 10.2' from the South property line when Chapter 197-35. (C) of the Village Code prohibits accessory structures less than 20' from the property line. The property is located in the R-5 Zoning District.

13. Tri Properties LLC., 10 Dune Road (905-22-1-23) Applicant requests a variance to demolish all structures on the existing property and to construct new single-family dwelling, decks, swimming pool and septic system. The subject property is located in the R-3 Zoning District and the Flood Plain. The following variances are necessary to construct the aforementioned structures:

Applicant proposes a dwelling with a minimum side yard of 17.9' on the East side and a total side yard of 45' when Chapter 197-8. D. requires 20' and 50' respectively.

Lot coverage is proposed at 27.1' when Chapter 197-8. C. allows a maximum of 20% lot coverage.

Accessory deck at North East side of property is 17.9' from property line when Chapter 197-35. C. prohibits a setback of less than 20'.

A proposed 4' wide accessory deck at the West side of the dwelling is not in the front or rear yard as required by Chapter 197-35. B. (2) of the Village Code.

14. Schlüsselberg, 24 East Division Street (905-10-7-30) Applicant requests a variance to construct a new single-family dwelling with swimming pool, decks and septic system. The property is located in the R-3 Zoning District and requires the following variances:

The dwelling is proposed 20' from the North property line when Chapter 197-6. D. prohibits side yards less than 30'.

Fill for the septic system is being proposed 5' from the North and West property line when Chapter 197-27. C. prohibits fill less than 10' from any property line.

A portion of the swimming pool is not located in the rear yard as required by Chapter 197-35. A. of the Village Code.

15. Brendan Brogan, 213 Dune Road (905-20-2-5) Applicant requests a variance to demolish existing structures and construct a new single-family dwelling, decks, swimming pool and septic system. The property is located in the B-3 Zoning District.

The application shows decks on the East and West side of the dwelling and not in the front or rear yards as required by Chapter 197-35. B. (1) of the Village Code.

Accessory structure decks and spa on the East side of the dwelling are located 8.7' from the property line when Chapter 197-35. C. of the Village Code requires 20'.

Accessory structure decks on the West side of the dwelling are located 17.9' from the property line when Chapter 197-35. C. of the Village Code requires 20'.

The dwelling has a minimum side yard setback of 16.4' on the East side and a total side yard of 38.3' when Chapter 197-8. D. requires 20' and 50' respectively.

Accessory structure decks on the South side of the dwelling are located 30.2' from the Crest of the Dune when Chapter 197-35. C. of the Village Code requires 75'.

The swimming pool is located 17.7' from the East property line when chapter 197-35.C. of the Village Code requires 20'.

The applicant proposes a rear yard setback to the Crest of the Dune of 34.2' when Chapter 197-8. D. requires 75' minimum.

The applicant proposes lot coverage of 39.2% when Chapter 197-8. C. allows a maximum of 20%.

The applicant proposes to place fill 5' from the property line on the North and East side of the property when Chapter 197-27. D. prohibits fill less than 10' from the property line.

The dwelling is being constructed within the Coastal Erosion Hazard Area when Chapter 74-8. C. (Coastal Erosion Management) of the Village Code prohibits new construction within the dune area.

Dated: October 2, 2018