

**ZONING BOARD OF APPEALS AGENDA**  
**Thursday, December 20, 2018 5:00 P.M.**  
**MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH**

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON DECEMBER 7, 2018 for the JANUARY 17, 2018, MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON December 13, 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**

November 15, 2018

**DECISIONS:**

**1. 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.

**2. 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-1 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.

**3. Marios Nikolaides, 36 Hazelwood Avenue, Westhampton Beach (905-6-1-11.1, 905-6-1-11.4)** Applicant requests a variance to subdivide a parcel of land into three (3) lots. Applicant proposes Lot 2 and Lot 3 to be accessed by two (2) 10' wide flag lots at Hazelwood Avenue which does not comply with Chapter 197-9.B. of the Village Code which requires a 75' width at the road. The property is located in the R-4 Zoning District.

**4. 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 applicant proposes lot coverage of 21.1% when 20% is required.

**5. 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 front yard setback is proposed at 63.81' 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.

**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. 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.

## **NEW APPLICATIONS:**

**8. LaCoquille of Westhampton Beach, Inc., 285 Dune Road, Westhampton Beach (905-19-4-5)** Applicant requests a Special Use Permit from the Board of Zoning Appeals to replace 44 Sliding Glass Doors and 60 Windows at a 46 Unit Multifamily Cooperative which is a Non-Conforming Use located in the R-3 Zoning District. The Special Permit is requested as provided for in Chapter 197-5 and 197-29.C. of the Village Code.

**9. Garg, 136 Beach Lane, Westhampton Beach (905-15-5-11.4)** Applicant requests variances to construct a garage addition to an existing single-family dwelling. The garage addition is located 21.2' from the North side yard and the total side yard is 50.8' When Chapter 197-6.D. requires 30' and 70' respectively. The proposed lot coverage is 27.27' when Chapter 197-63.P. allows a 25% maximum for a lot with an approved tennis court. The property is located in the R-1 Zoning District.

**10. Richard Baumer and Stacy Baumer, 166 Beach Lane, Westhampton Beach (905-15-5-11.3)** Applicant requests a variance to construct a garage addition to the North side of the existing dwelling with a minimum side yard setback of 20' and a total side yard setback of 45.7' when Chapter 197.6.D. of the Village Code requires a minimum setback of 30' with a total side yard setback of 70'. The property is located in the R-1 Zoning District and the Flood Plain area.

**11. Andrew Armando Lago and Mary Connolly Lago, 36 Harbor Road, Westhampton Beach (905-17-3-34)** Applicant requests variances to construct a new dwelling with septic system. The fill for the septic system is located 1' from the North and West property line in violation of Chapter 197-27.D. of the Village Code which requires a minimum setback of 10'. The property is located in the R-5 Zoning District.

Dated: December 4, 2018