

**ZONING BOARD OF APPEALS AGENDA**  
**Thursday, February 21, 2019 5:00 P.M.**  
**MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH**

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON **February 22, 2019** for the **March 21, 2019**, MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON **February 14, 2019** 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 17, 2019

**DECISIONS:**

**1. Daniel Bernstein and Vivian Bernstein, 37 Exchange Place, Westhampton Beach (905-15-5-28.3)** Applicant requests variances to reconstruct a tennis court 3.9' and 14.8' from the North and East property line when Chapter 197-35.C. requires the accessory structure to be a minimum of 20' from the property line. Applicant also requests a variance to reconstruct the tennis court out of Asphalt in violation of Chapter 197-63.P. (6) of the Village Code which prohibits asphalt courts. The property is located in the R-1 Zoning District and the Flood Zone.

**HOLDOVERS:**

**2. 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.

**3. 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.

**4. 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.

**5. 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.

**6. Donna McDonough, 24 Point Road, Westhampton Beach (905-17-3-25)** Applicant requests variances to bring in fill 5' from the North, East and South lot line when Chapter 197-27.D. of the Village Code requires a minimum of 10' setback. The applicant also proposes a deck in the required front yard in violation of Chapter 197-35.C. of the Village Code which requires accessory structures in the rear yard only. The property is located in the R-5 Zoning District and the Flood Plain.

**7. 123 Dune Road, LLC., 123 Dune Road, Westhampton Beach (905-21-3-7)** Applicant requests a variance to reconstruct an existing swimming pool, patio and entrance stair with a lot

coverage of 30.8% when Chapter 197-8.C. and Chapter 197-63.P. prohibits a lot coverage of greater than 25%. The property is located in the R-3 Zoning District and Flood Zone.

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### **NEW APPLICATIONS**

**8. 285 Oneck, LLC., 285 Oneck Lane (905-6-2-35)** Applicant requests a variance to subdivide a parcel of land into 4 lots. Lot 3 and Lot 4 will be flag lots accessed by two 12.57' wide strips of land taking access off of Fiske Avenue. The 12.57' access strips are in Violation of Chapter 197-6. B. which requires 150' lot width at the road. The subject property is located in the R-1 Zoning District and the Flood Zone.

**9. Surf and Turf Equities II LLC., 86 Harbor Road, (905-17-2-10)** Applicant requests variances to maintain a deck built without permits. The proposed building area lot coverage with the deck is 36.7% when Chapter 197-10. C. (1) only allows 20%. The deck is located 14.9' from the rear lot line when Chapter 197-10.D. requires a 25' setback. The total off street parking and impervious surface areas shall not exceed 40% and applicant proposes 47.6%. The application is located in the R-5 Zoning District and the Flood Zone.

**10. Inlet View Property Management LLC., 160 Montauk Highway, (905-6-1-19)** Applicant requests variances to construct a new 4,075 square foot addition to the existing retail Beverage Barn. The applicant requests the following variances to accomplish the addition. The property is located in the B-2 Zoning District.

Proposed lot coverage of 21.93% when Chapter 197-17.1 allows a maximum of 20%

Proposed building setback of 30.5' from Pine street when Chapter 197-17 requires 50'.

Parking is proposed within the 30' Buffer Zone on Pine Street when Chapter 197-63. G.(11)(b) prohibits encroachments into the buffer.

The dumpster is located within 20' of the front lot line in violation of Chapter 96-13 and 197-63. G.(11)(b)

The proposed project provides 52 parking spaces when Chapter 197-19 and 197-21 require 54 spaces.

**11 Westhampton Bath and Tennis Owners Corp., 231 Dune Road, (905-19-2-12)** Applicant requests a Special Permit to alter and renovate the Bar, Bridal Suite and to install ADA improvements at the interior of the building. The Special Permit is required because the Bath and Tennis is a non-conforming use. The Special Permit is required as provided for under Chapter 197-29. C. of the Village Code. The property is located in the R-3 Zoning District and the Flood Plain.

**12. Nicholas Messina, 100 Griffing Avenue (905-7-4-16)** Applicant requests a variance to construct a swimming pool, deck and hot tub in the front yard when Chapter 197-35. (A) of the

Village code allows accessory structures in the rear yard only. The property is located in the R-1 Zoning District.

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**13. David McBride, 45 White Oak Lane (905-9-1-3)** Applicant requests a variance to demolish an existing dwelling and construct a new dwelling on the subject property. Applicant requests variances for a minimum side yard on the South side of 29' and a total side yard of 64.8' when Chapter 197-6. D. of the Village Code requires 30' and 70' respectively. The property is located in the R-1 Zoning District and the Flood Zone.

**14. Denise Zaccheo, 19 Point Road (905-17-3-5)** Applicant requests a variance to maintain a deck built without permits 11.4' from the North property line when Chapter 197-35. C. of the Village Code requires 20'. The property is located in the R-5 Zoning District and the Flood Zone.

### **REQUEST FOR EXTENSION**

**15. Bernstein, 37 Exchange Place (905-15-5-29.1)** Applicant requests an extension of their August 16, 2018 Board of Zoning Appeals approval.

Dated: February 11, 2019