

April 18, 2024

Incorporated Village of Westhampton Beach held its Board of Zoning Appeals meeting on Thursday, April 18, 2024, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: Gerard Piering, Chairman
Joe Musnicki
Jim Badzik
John Wittschen
Daniel Martinsen

Anthony C. Pasca, Esq., Village Attorney

Brad Hammond, Building and Zoning Administrator

Maeghan Mackie, Building Permits Examiner / Board Secretary

DECISIONS:

1. Arthur & Jill Green, 193 Dune Road (905-020-02-012) Applicant requests variances from §197-8 C for proposed building area lot coverage of 23% where the maximum permitted is 20%, and from §197-29.1 A for a proposed addition which represents a prohibited increase in gross floor area of a preexisting building with nonconforming side yard setback (18.5' existing/proposed; 20' required).

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS

-----X
In the Matter of Application of

Arthur C. Green
Jill B. Green

DETERMINATION

Address: 193 Dune Road
SCTM #: 905-20-2-12

-----X

I. REQUEST FOR RELIEF

The applicants, Arthur C. Green and Jill B. Green, are the owners of a parcel of real property located at 193 Dune Road. The property is located wholly within the R-3 Zoning District. According to the survey of the property drawn by Raynor, Marcks & Carrington, dated

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April 2, 2014, and drawn on February 2, 2024, the parcel is improved with a two-story frame house and second story deck, wood boardwalk, and steps.

As depicted on the survey, the applicants seek to construct a two-story extension of the front (northern wing) of the house, with a minimum side yard setback to the eastern lot line of 18.5 feet, with a resulting lot coverage of 23.0%.

Section 197-8.C of the Village Code provides that, in the R-3 Zoning District the building area lot coverage shall not exceed 20% of the lot area, exclusive of all areas south of the crest of the northerly dune and all areas designated as tidal wetlands by the New York State Department of Environmental Conservation

Section 197-29.1.A. of the Village Code provides that, a nonconforming building or structure lawfully existing on any lot, or a building or structure which lawfully exists on a nonconforming lot, may be enlarged, reconstructed, altered, restored, or repaired, in whole or part, provided that the "degree of nonconformity" is not thereby increased. For the purposes of this subsection, an increase in the "degree of nonconformity" shall include an increase in the amount of a nonconforming building's or structure's gross floor area which is located within a required setback area, an increase in excess of the allowable building area lot coverage, or an increase in any portion of a building or structure located above the maximum height or stories permitted.

The Building & Zoning Administrator has determined that the application requires the following relief: (1) from § 197-8.C to allow a building coverage of 23.0% where the maximum allowed is 20.0%, and (2) from § 197-29.A, to allow a proposed addition that increases the gross floor area within a required setback, i.e., a portion of the addition will fall within the 20' required setback area, up to 18.5'.

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The applicant has therefore requested variances for the above relief, to accommodate the increase in lot coverage and gross floor area within a required setback area.

II. SEQRA

The applicant submitted an Environmental Assessment Form Part I pursuant to the State Environmental Quality Review Act (SEQRA).

Since this is a request for setback variances for single-family residential and accessory residential structures, the application is classified as a Type II action under 6 NYCRR § 617.5(c)(11), (12), (16) & (17). Accordingly, the application is not subject to further review under SEQRA.

II. ZBA PROCEEDINGS

This application was duly noticed for a public hearing, which was opened on March 21, 2024. The applicant's attorney, Heather A. Wright, Esq., appeared and presented the application. Attorney John H. Lynch, Esq., appeared in opposition to the application on behalf of Marc and Andrea Wiener and Michael and Samantha Dubeck. The hearing was closed at the March 21, 2024, meeting for a determination.

III. GOVERNING LAW

The Zoning Board is empowered to grant area variances pursuant to Section 7-712-b of the N.Y. Village Law and Section 197-75 of the Village Code.

In considering applications for area variances, the Board is required to weigh the benefit to the applicant against the detriment to the health, safety and welfare of the community, while considering the following five factors: (1) whether the variance will cause an undesirable change in the character of the neighborhood or a detriment to nearby properties; (2) whether the benefit can be achieved by a feasible alternative; (3) whether the variance is substantial; (4) whether the

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variance will have any adverse physical or environmental impacts; and (5) whether the alleged difficulty was self-created (which shall be relevant but shall not necessarily preclude the variance).

The Board is charged to grant only the minimum variance necessary and to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Finally, the Board is empowered to impose reasonable conditions to minimize any adverse impacts from the variance.

IV. FINDINGS AND CONCLUSIONS

With respect to the statutory requirements for a variance, the Board finds as follows:

1. *Character of the Neighborhood:* The applicants have demonstrated that the relief requested will not cause a material adverse impact on the character of the neighborhood. With respect to the coverage variance, the Board often faces such variance requests for lots on the south side of Dune Road because the lot area utilized when calculating lot coverage excludes areas south of the dune crest. According to the survey, the subject property has a triple dune with three dune crests, but the coverage calculation requires exclusion of the entirety of the dune system, not just the southernmost dune. Given these unique conditions, the Board finds that the 3% increase of coverage above the 20% limit will neither set a precedent nor cause any material impact on the character of the neighborhood. With respect to the increase in floor area within the side yard setback area, the applicants have shown that the modest addition is suitably located by following the existing 18.5' setback line along the eastern side of the house. The neighbors, through their attorney, argued that the addition will cause an impact on them, but most of the addition (i.e., all but the eastern 1.5') meets the 20' setback standard. The Board members, having visited the site and examined the relationship of the site to its neighbors, do not agree that

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the mere extension of the existing 18.5' setback line another 17' to the north will cause such a material impact on the character of the neighborhood that it would outweigh the benefits to the applicants.

2. *Alternatives:* The applicants have shown that there are no feasible alternatives to achieve the benefits sought. The neighbors question whether the applicant should need a larger home, but the benefit sought by the applicant (additional living space) is not an uncommon reason for applicants to seek variances and is one that has been routinely relied upon by the Board when granting setback relief throughout the Village, and particularly on the south side of Dune Road, where lots are commonly too narrow to accommodate fully-conforming structures. The neighbors further argue that the proposed addition could be moved further west on the property, but the applicants adequately explained why the 17' extension of the northern property wing is the only feasible location for the additional living space without undertaking a more substantial reconstruction of the house.

3. *Substantiality:* The variances (a 3% increase above the 20% coverage limit, and a 1.5' nonconformity within a 20' setback) are not substantial in the context of this application, for reasons described above.

4. *Physical/Environmental Impacts:* No physical or environmental impacts have been identified. While the neighbors speculate that the larger house will accommodate more family members and thus cause more environmental impacts, there is no evidence in the record to support this claim.

5. *Self-Created Difficulty:* The difficulty is self created.

6. *Benefit vs. Detriment:* On balance, the Board finds that the benefits to the applicant outweigh the detriments, if any, to the community.

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7. *Minimum Variance:* The variances requested are the minimum necessary to achieve the benefits sought.

The Board therefore grants the requested relief from Section 197-8.C. and 197-29.1.A. of the Village Code to allow the construction of a two-story addition to an existing two story frame house, as shown on the survey of the property drawn by Raynor, Marcks and Carrington, dated April 2, 2014, and last updated on February 2, 2024, and the architectural plans prepared by Deerkoski & Arm, dated 12-15-2023 (collectively, the “Final Plans”), subject to the following additional conditions:

CONDITIONS

1. The variances granted herein are limited to the relief set forth in this decision, and pertain only to the Final Plans approved in this decision, and shall not be construed as creating conforming dimensions. There shall be no further extension (horizontally or vertically), increase, alteration or modification to the structure or any other structure located on the property that has non-conforming dimensions, without further approval of this Board.

2. No outdoor accessory structures or equipment (including but not limited to air conditioning condensers, HVAC equipment, above-ground utilities, generators, pool equipment, solar panels, garbage/storage bins, etc.) may be located within a required front, side, or rear yard, except as depicted on the approved plans, without further approval of the Board.

3. The variances granted herein shall terminate unless a building permit is issued within one year from the date hereof.

4. There can be no exterior work performed on weekends from May 1 to September 30 and on weekdays from July 1 to September 10.

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Village of Westhampton Beach
Zoning Board of Appeals

Mr. Piering stated that the Board has granted the variances, and the reading of the resolution was waived.

Motion was made by Mr. Piering to adopt the determination of **Arthur & Jill Green, 193 Dune Road (905-20-2-12)** as written; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

2. J Douglas & Julia O’Neill, 25 Aspatuck Road (905-013-02-013) Applicant requests variances §197-6 D for proposed northerly connecting addition which subjects the garage to principal setbacks resulting is a proposed rear yard setback of 5.3 feet where the minimum required is 50 feet, and from §197-29.1 A for proposed easterly second-story additions which represent prohibited increases in gross floor area of a preexisting dwelling with a nonconforming second front yard setback (37.2’ existing/proposed; 50’ required).

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS

-----X
In the Matter of Application of

J. Douglas O’Neill
Julia M. O’Neill

DETERMINATION

ADDRESS: 25 Aspatuck Road
SCTM #: 905-13-2-13

-----X

V. REQUEST FOR RELIEF

The applicants, J. Douglas O’Neill and Julia M. O’Neill, are the owners of a parcel of real property located at 25 Aspatuck Road. The property is located wholly within the R-1 Zoning District. According to the survey of the property drawn by Fox Land Surveying, dated February 23, 2022, and updated on November 10, 2023, the parcel is improved with a two- story frame house, a detached frame garage and brick patio.

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The applicants seek to add a one-story addition to connect the house and detached garage (making the garage part of the principal structure) and to add two story additions to the front of the house, with a minimum setback of 37.2 to the front (eastern) lot line at Aspatuck Road.

Section 197-6.D. of the Village Codes provides that, in the R-1 Zoning District the front yard depth shall not be less than 50 feet, and the rear yard shall not be less than 50 feet.

Section 197-29.1.A of the Village Code provides that, for expansion of nonconforming structures generally, a nonconforming building or structure lawfully existing on any lot, or a building or structure which lawfully exists on a nonconforming lot, may be enlarged, reconstructed, altered, restored, or repaired, in whole or part, provided that the "degree of nonconformity" is not thereby increased. For the purposes of this subsection, an increase in the "degree of nonconformity" shall include an increase in the amount of a nonconforming building's or structure's gross floor area which is located within a required setback area, an increase in excess of the allowable building area lot coverage, or an increase in any portion of a building or structure located above the maximum height or stories permitted.

The Building and Zoning Administrator has determined that the proposed additions require variances from the foregoing sections as follows: (1) relief from § 197-6.D, because the proposed northerly connecting addition subjects the garage to principal setbacks resulting in a proposed rear yard setback of 5.3 feet where the minimum required is 50' and (2) relief from § 197-29.1.A, because the proposed easterly second-story additions increase the gross floor area within a required 37.2' setback where 50' is required.

The applicants therefore seek variances from those two code sections to allow the construction of the additions shown on the survey of the property drawn by Fox Land Surveying,

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dated February 23, 2022, and updated on November 10, 2023 and on the Proposed Site Plan prepared by William Frederic Heine Architect, dated February 21, 2024.

II. SEQRA

The applicants submitted an Environmental Assessment Form Part I pursuant to the State Environmental Quality Review Act (SEQRA).

Since this application involves the construction of a residential structure, the application is classified as a Type II action under 6 NYCRR § 617.5(c)(11), (12), (16) & (17). Accordingly, no further review is required.

VI. ZBA PROCEEDINGS

This application was duly noticed for a public hearing, which was opened on March 21, 2024. The applicants' architect, William F. Heine appeared on behalf of the application. No other persons appeared in support or in opposition of the application. The hearing was closed at the March 21, 2024 meeting.

VII. GOVERNING LAW

The Zoning Board is empowered to grant area variances pursuant to Section 7-712-b of the N.Y. Village Law and Section 197-75 of the Village Code.

In considering applications for area variances, the Board is required to weigh the benefit to the applicant against the detriment to the health, safety and welfare of the community, while considering the following five factors: (1) whether the variance will cause an undesirable change in the character of the neighborhood or a detriment to nearby properties; (2) whether the benefit can be achieved by a feasible alternative; (3) whether the variance is substantial; (4) whether the variance will have any adverse physical or environmental impacts; and (5) whether the alleged

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difficulty was self-created (which shall be relevant but shall not necessarily preclude the variance).

The Board is charged to grant only the minimum variance necessary and to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Finally, the Board is empowered to impose reasonable conditions to minimize any adverse impacts from the variance.

VIII. FINDINGS AND CONCLUSIONS

With respect to the statutory requirements for a variance, the Board finds as follows:

8. *Character of the Neighborhood:* Subject to the condition restricting the garage to non-finished, storage/garage space, the applicants have demonstrated that the proposal will not cause a material adverse impact on the character of the neighborhood. With respect to the front yard variance relief, the second floor addition is proposed to fall only within the nonconforming footprint of the existing enclosed porch. With respect to the garage connection, while the connection does transform the garage legally into a part of the principal dwelling, the condition restricting the use of the garage will ensure that, functionally, it will continue to serve the function of an accessory, non-habitable structure.

9. *Alternatives:* The applicants have demonstrated that there are no feasible alternatives to achieve the benefits sought without the need for variances.

10. *Substantiality:* The variances are mathematically substantial, but the context of the pre-existing footprint and the proposed restrictions on the use of the garage sufficiently mitigates the impact of the variances.

11. *Physical/Environmental Impacts:* No physical or environmental impacts have been identified.

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12. *Self-Created Difficulty*: The difficulty is self-created.

13. *Benefit vs. Detriment*: The applicant has demonstrated that the benefits outweigh the detriment, if any, to the community.

14. *Minimum Variance*: The variances are the minimum necessary to achieve the benefits sought.

The Zoning Board therefore grants the requested area variances to allow the to allow the construction of the additions shown on the survey of the property drawn by Fox Land Surveying, dated February 23, 2022, and updated on November 10, 2023 and on the Proposed Site Plan prepared by William Frederic Heine Architect, dated February 21, 2024 (collectively, the “Final Plans”), subject to the following conditions to minimize any adverse impacts from the variance:

IX. CONDITIONS

1. The proposed attached garage structure depicted in the Final Plans as “Frame Garage” (survey) and “Existing Garage” (site plan) shall not be converted to finished space and shall be restricted to non-habitable storage/parking uses customarily associated with detached garages.

2. The variances granted herein are limited to the relief set forth in this decision, and pertain only to the Final Plans approved in this decision, and shall not be construed as creating conforming dimensions. There shall be no further extension (horizontally or vertically), increase, alteration or modification to the structure or any other structure located on the property that has non-conforming dimensions, without further approval of this Board.

3. No outdoor accessory structures or equipment (including but not limited to air conditioning condensers, HVAC equipment, above-ground utilities, generators, pool equipment,

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solar panels, garbage/storage bins, etc.) may be located within a required front, side, or rear yard, except as depicted on the approved plans, without further approval of the Board.

4. The variances granted herein shall terminate unless a building permit is issued within one year from the date hereof.

5. There can be no exterior work performed on weekends from May 1 to September 30 and on weekdays from July 1 to September 10.

Dated: April 18, 2024

Village of Westhampton Beach
Zoning Board of Appeals

Mr. Piering stated that the Board has granted the variances, and the reading of the resolution was waived.

Motion was made by Mr. Piering to adopt the determination of **J Douglas & Julia O’Neill, 25 Aspatuck Road (905-13-2-13)** as written; seconded by Mr. Wittschen and unanimously carried 5 ayes, 0 nays, 0 absent.

3. John & Joyce FitzSimons, 10 Stillwaters Lane (905-010-04-024) Applicant requests variance from §197-63 P(1) to legalize and expanded deck resulting in a building area lot coverage of 28.2% where the maximum permitted is 25% (with existing tennis court).

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS

-----X

In the Matter of Application of

John H. FitzSimons

DETERMINATION

Joyce A. FitzSimons

Address: 10 Stillwaters Lane

SCTM #: 905-10-4-24

-----X

X. REQUEST FOR RELIEF

The applicants, John H. FitzSimons and Joyce A. FitzSimons, are the owners of a parcel of real property located at 10 Stillwaters Lane. The property is located wholly within the R-1

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Zoning District. According to the survey and plan of the property drawn by Twin Forks Land Surveying, dated March 16, 2021, and updated on February 7, 2024 the parcel is improved with a two and one-half story frame dwelling, wood decks and 18' x 36' inground swimming pool, and a 59' x 118' clay tennis court.

Section 197-63.P.1 of the Village Codes provides that, in the R-1 Zoning District, lot coverage for properties including a tennis court shall not exceed 25%.

The applicant is proposing to legalize an expanded deck which results in lot coverage of 28.2% where the maximum permitted is 25% with an existing tennis court.

XI. SEQRA

The applicant submitted an Environmental Assessment Form Part I pursuant to the State Environmental Quality Review Act (SEQRA). Since this is a request for an area variance (lot coverage) for a principle residence with accessory structures, the application is classified as a Type II action under 6 NYCRR § 617.5(c)(11), (12) and (17). Accordingly, the application is not subject to review under SEQRA.

XII. ZBA PROCEEDINGS

This application was duly noticed for a public hearing, which was opened on March 21, 2024. The applicants' attorney, Jacqueline Morley, Esq., appeared on behalf of the application. No other persons appeared in support or in opposition of the application. The hearing was closed for a determination.

XIII. GOVERNING LAW

The Zoning Board is empowered to grant area variances pursuant to Section 7-712-b of the N.Y. Village Law and Section 197-75 of the Village Code.

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In considering applications for area variances, the Board is required to weigh the benefit to the applicant against the detriment to the health, safety and welfare of the community, while considering the following five factors: (1) whether the variance will cause an undesirable change in the character of the neighborhood or a detriment to nearby properties; (2) whether the benefit can be achieved by a feasible alternative; (3) whether the variance is substantial; (4) whether the variance will have any adverse physical or environmental impacts; and (5) whether the alleged difficulty was self-created (which shall be relevant but shall not necessarily preclude the variance).

The Board is charged to grant only the minimum variance necessary and to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Finally, the Board is empowered to impose reasonable conditions to minimize any adverse impacts from the variance.

XIV. FINDINGS AND CONCLUSIONS

With respect to the statutory requirements for a variance, the Board finds as follows:

15. *Character of the Neighborhood:* The applicants demonstrated that the variance, under these circumstances, will not cause a material adverse impact on the character of the neighborhood. The need for the variance was generated by the expansion of the pool deck, which, had it been at grade, would not have contributed to the lot coverage nonconformity. The expansion of the deck, level with the pool elevation, as compared to an expansion at grade, does not materially impact the property or neighborhood.

16. *Alternatives:* The applicant has shown that there are no alternatives to achieve the benefit sought (an extension of the existing pool deck) without a need for a variance. The pool

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and pre-existing deck elevation was a condition that could not be altered without significant disturbance to the property.

17. *Substantiality*: Mathematically, the variance is not insignificant because the Board traditionally considers smaller deviations in coverage to be material, but in the context of this application, where the deck could be extended at grade without the need for a variance, the variance will only have a de minimis impact.

18. *Physical/Environmental Impacts*: No physical or environmental impacts have been identified.

19. *Self-Created Difficulty*: The difficulty is self-created.

20. *Benefit vs. Detriment*: On balance, the benefit to the applicant outweighs the detriment, if any, to the community.

21. *Minimum Variance*: The variance is the minimum necessary to achieve the benefit sought.

Although the Board does not favor requests for variances for structures that were unlawfully expanded without a permit, the Board accepts the applicants' explanation that it was not a knowing violation of the permit requirements. Additionally, as set forth above, the Board has analyzed the application as if it had been made prospectively and determined that a variance is appropriate under these circumstances.

The Zoning Board therefore grants the requested variance to allow the applicants to legalize an existing deck as shown on the survey drawn by Twin Forks Land Surveying, dated March 16, 2021, and updated on February 7, 2024, subject to the following conditions to minimize any adverse impacts from the variance:

XV. CONDITIONS

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1. The variances granted herein are limited to the relief set forth in this decision, and pertain only to the Final Plans approved in this decision, and shall not be construed as creating conforming dimensions. There shall be no further extension (horizontally or vertically), increase, alteration or modification to the structure or any other structure located on the property that has non-conforming dimensions, without further approval of this Board.

2. No outdoor accessory structures or equipment (including but not limited to air conditioning condensers, HVAC equipment, above-ground utilities, generators, pool equipment, solar panels, garbage/storage bins, etc.) may be located within a required front, side, or rear yard, except as depicted on the approved plans, without further approval of the Board.

3. The variances granted herein shall terminate unless a building permit is issued within one year from the date hereof.

4. There can be no exterior work performed on weekends from May 1 to September 30 and on weekdays from July 1 to September 10.

Dated: April 18, 2024

Village of Westhampton Beach
Zoning Board of Appeals

Motion was made by Mr. Piering to adopt the determination of **John & Joyce FizSimons, 10 Stillwaters Lane (905-10-4-24)** as written; seconded by Mr. Musnicki and unanimously carried 5 ayes, 0 nays, 0 absent.

Mr. Piering stated before they began the holdovers they were going to go out of order as the only public hearing on the agenda tonight is the application for Jim Badzik who is also a Board Member. He will recuse himself from the application once they make the motions on the other items.

HOLDOVERS:

4. **Jim Badzik, 27 Sunswyck Lane (905-015-04-003)** Applicant requests variances from §197-1 to construct an accessory building with plumbing facilities of 1,399 square feet where the maximum permitted is 200 square feet, and from §197-35 A to construct the accessory building within the front yard (corner lot) where not permitted.

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Heather A. Wright, Esq., appeared on behalf of the application, together with Dean VanTassel Architect. Jim Badzik recused himself from the application. Mr. Piering said they have held this over for the neighbors to make submissions and we received written submissions that reiterated what they spoke to and we do not have anything new.

Ms. Wright said they are ready to close the hearing, unless there are questions.

Mr. Piering said okay. Before we do so, I want to make it clear that there is no confusion. The application before us is for a front yard setback on Seafield Lane and that is the only thing before this Board, the plumbing was withdrawn. If this request is not granted it doesn't mean they cannot build this building, they can do so in a conforming location if they wish. And I think that's very important for the record to reflect. With that being said, is there any other public comment. We appreciate the community input.

Ms. DeVries said she was not at the last meeting. She is at 105-107 Seafield Lane and she just further South of the applicants property on the other side of the street. Between the last time she appeared and now and she drove around a lot to see what precedent this would set putting a 1,500 square foot building less than 15' from the road and it would set a precedent that other people could do this too.

Mr. Wittschen said it would give the neighbors the opportunity to build the same?

Ms. DeVries said yes. And I drove around 4 to 5 blocks to see and it's so close to the road and its not commercial, and Seafield Lane is beautiful and a lot of people ride their bicycles down it and walk it. I looked at the history and it was farm land with large houses and it was cut up and the Windmill was there and the carriage house was there for parking of the carriages. I caution the Board and I look at the future of things and in 20 years what would happen to this structure, there is no plumbing now what is to say there won't be.

Mr. Pierings said we understand that.

Ms. DeVries said she counted the trees on the property and they wanted to preserve them, there are trees that will be removed and there will be plantings and one of the things they did not want to do was remove the Historic trees and they are nice and they are not fantastic. And I caution this Board to put something so close to the road there is that cast of this 1,500 square feet building.

Mr. Pierings said it's not 1,500 square feet.

Mr. Pasca said it was reduced to 1,200 square feet.

Ms. DeVries said okay. That's what I caution the Board to consider.

Michael Nissen handed the Board the document he emailed to them. He thanks the Board for their time spent on this application and he's sorry to drag it out and this had to be done.

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Mr. Piering said we have paid close attention to what you've said.

Mr. Nissen said okay.

Mr. Piering asked Ms. Wright if she had anything to add.

Ms. Wright said I want to make sure its clear, we are seeking 1,200 square feet and it's 32' from Seafield Lane. And a lot of numbers were thrown around tonight and in the submission but I want it clear.

Motion was made by Mr. Piering to close the hearing of **Jim Badzik, 27 Sunswyck Lane (905-15-4-3)** for a determination; seconded by Mr. Musnicki and unanimously carried 4 ayes, 0 nays, 0 absent, 1 recused.

5. 16 Fanning Holding LLC, Westerly Terminus of Fanning Drive Applicant requests variances from Village Law of NYS §7-734 for proposed walkway/dock catwalk within an existing officially mapped/planned village highway where prohibited and inconsistent with the approval of the subdivision map by the Planning Board and filed with the Suffolk County Clerk's Office on July 13, 1967, as Map #4894.

No one appeared on behalf of the application. James N. Hulme, Esq., submitted a written request to withdraw the application without prejudice.

Motion was made by Mr. Piering to withdraw the application of **16 Fanning Holding, LLC., Westerly Terminus of Fanning Drive**; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

6. Michael Jesselson, 49 Bayfield Lane (905-010-04-033) Applicant requests variances from §197-6 A(2) for proposed habitable space (studio) in detached building, which is deemed not to be normal and accessory to principal single-family dwelling use, from §197-35 A for proposed studio building which is located partially in the front yard where prohibited, also from §197-35 A for proposed pool & cabana which are located in the front yard where prohibited, and lastly from §197-35 A for existing tennis court proposed to be maintained in the front yard where prohibited.

No one appeared on behalf of the application. Jacqueline Morley, Esq., submitted a written request to holdover the application to May 16, 2024.

Motion was made by Mr. Piering to withdraw the application of **16 Fanning Holding, LLC., Westerly Terminus of Fanning Drive**; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

7. Build Coastal LLC, 26 Old Riverhead Rd (905-004-02-009) Applicant requests variances from §197-17.1 for a proposed front yard setback (roof-over) of 20.5 feet where the minimum required is 50 feet, and from §197-29.1 A for a proposed second-story addition which represents a prohibited increase in gross floor area of a preexisting building with a nonconforming

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front yard setback (24.5' existing/proposed, 50' required) and nonconforming side yard setback (18.8' existing/proposed, 20' required).

No one appeared on behalf of the application. Tom Downing submitted a written request to holdover the application of **Build Coastal, LLC., 26 Old Riverhead Road (905-4-2-9)** to May 16, 2024; seconded by Mr. Martinsen and unanimously carried 5 ayes, 0 nays, 0 absent.

8. Mark & Christine Tobin, 185 Dune Road (905-020-02-015) Applicant requests variance from §197-8 F for attached rear second-story deck constructed approximately 6 feet above the second floor where exterior decks are not permitted to exceed the top of the finished floor of the second story.

No one appeared on behalf of the application. Mr. Vero submitted a written request to holdover the application of **Mark & Christine Tobin, 185 Dune Road (905-20-2-15)** to May 16, 2024; seconded by Mr. Musnicki and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Piering to adjourn the meeting at 5:13 p.m.; seconded by Mr. Martinsen and unanimously carried 4 ayes, 0 nays, 1 absent.