September 18, 2025

Incorporated Village of Westhampton Beach held its Board of Zoning Appeals meeting on Thursday, September 18, 2025, 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
Daniel Martinsen
John Wittschen

Anthony C. Pasca, Esq., Village Attorney

Brad Hammond, Building and Zoning Administrator

Maeghan Mackie, Building Permits Examiner / Board Secretary

DECISIONS

1. Charles Palumbo, 442 Dune Road (905-017-01-007.01) Applicant seeks variance from §197-35 B(2) for a proposed hot tub to be located in the front yard where prohibited.

Charles Palumbo appeared on behalf of the application. Mr. Piering stated the Board has granted the variances, and the reading of the determination was waived.

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS
----------X
In the Matter of Application of

Charles Palumbo **DETERMINATION**

Address: 442 Dune Road
SCTM #: 905-17-1-7.1
----------X

I. REQUEST FOR RELIEF

The applicant, Charles Palumbo, is the owner of a parcel of real property located at 442 Dune Road. The property is located wholly within the R-3 Zoning District. According to the survey of the property drawn by Fox Land Surveying, dated November 4, 2019, and last updated on June 5, 2025, the parcel is improved with a two-story frame house, wood decks, a second story deck, and two story detached frame garage with wood deck and pergola.

Section 197-35.B (2) of the Village Code provides that, in the R-3 Zoning District, on lots lying on the north side of Dune Road, accessory buildings and structures shall not be permitted in the front or side yard, except that tennis courts and swimming pools with an attached deck and cabana shall also be permitted in the front yard.

The applicant is proposing to construct an 8.0’ x 8.0’ hot tub located in the front yard where prohibited. The applicant therefore requests relief from 197-35.B (2).

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 an area variance for 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 July 17, 2025. The applicant, Charles Palumbo, appeared and presented the application. The application was incomplete and the Zoning Board hearing was held over to the August 24, 2025. The hearing was closed 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 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 granting of the requested variance will not cause a material impact on the character of the neighborhood. The existing lot configuration includes a garage located 44.3’ from the front lot line and a house set back approximately 200’ from the front lot line. The proposed spa location is in between those two residential structures, set back 125’ from the front lot line. As a result, although the spa is technically located in the front yard in violation of 197-35.B(2), it will be located 2.5 times the minimum required front yard setback for the R-3 district (50’ for lots on the north side of Dune Road). Given the proximity of the pre-existing garage, the spa also will not appear as if it is standing out in a front yard location. Finally, the plan incorporates screening to increase privacy.

2. *Alternatives:* Due to the pre-existing location of the house, there are no feasible locations for the proposed spa without the need for variance relief.

3. *Substantiality:* In the context of this application, the relief is not substantial, for the reasons expressed above.

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

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

6. *Benefit vs*. *Detriment:* The benefit to the applicant outweighs the detriment to the community.

7. *Minimum Variance*: The variance is the minimum necessary to achieve the benefits sought.

The Board therefore grants the requested relief from Section 197-35.B (2). of the Village Code to allow for the construction of an 8.0' x 8.0' above ground hot tub in the front yard, 125.0' from Dune Road, as depicted on the survey of the property drawn by Fox Land Surveying, P.C. dated November 4, 2019 and updated on June 5, 2025, ("Final Plans"), subject to the following additional conditions:

V. 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.

Dated: September 18, 2025

Village of Westhampton Beach
Zoning Board of Appeals

Motion was made by Mr. Piering to adopt the determination of **Charles Palumbo, 442 Dune Road (905-17-1-7.1)** as written; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

2. Daniel Bernstein, 318 Dune Road (905-018-01-021) Applicant seeks variances from §197-29.1 A for proposed second story addition which increases floor area within a required rear yard (~51' proposed, 75' required) representing a prohibited increase in degree of nonconformity of a dwelling with substandard rear yard setback.

No one appeared on behalf of the application. Mr. Piering stated that the Board has granted the variances requested, and the reading of the determination was waived.

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS
----------X
In the Matter of Application of

Daniel Bernstein **DETERMINATION**

Address: 318 Dune Road
SCTM #: 905-18-1-21
----------X

I. REQUEST FOR RELIEF

The applicant, Daniel Bernstein, is the owner of a parcel of real property located at 318 Dune Road. The property is located wholly within the R-3 Zoning District. According to the survey of the property drawn by Fox Land Surveying, dated February 24, 2025 and last updated on June 11, 2025, the parcel is improved with a one-story frame house, wood decks, outdoor shower, and spa.

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.

As depicted on the Fox Survey, the applicant is proposing to construct second story additions to the existing dwelling. The second story, though setback further from the rear lot line than the first story, includes a portion thereof that will fall within the required 75' rear yard setback area. This portion of the second floor (i.e., the portion between approximately 51' from the rear lot line and 75' from the rear lot line) will increase the degree of nonconformity. Applicant has therefore requested relief from Section 197-29.1.A.

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 a variance for 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 August 21, 2025. The applicant's architect, Emilio Susa appeared and presented the application. Amy Milch, owner of the property adjacent to the west of the subject parcel, spoke in opposition to the application. No other persons

appeared in support or opposition to the application. The hearing was closed at the August 21, 2025, 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 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 applicant demonstrated that the proposed variances will not adversely impact the character of the neighborhood. The existing one-story home has a nonconforming rear yard setback of only 17.8', but the applicant, in an effort to minimize any variance relief, is proposing a second floor addition that would have a setback of approximately 51'. The parcel immediately to the east has a two story dwelling with substantial rear-yard setback nonconformities.
2. *Alternatives:* The applicant has demonstrated that there are no feasible alternatives to achieve the benefits sought. Due to the pre-existing location of the home, with a substantial rear yard setback nonconformity, the applicant cannot construct a second-story addition without the need for variance relief.
3. *Substantiality:* The relief requested (second floor setback relief of 51' where 75' is required), though not inconsequential, is not substantial in context, due to the pre-existing first floor nonconformity of 17.8' where 75' is required.
4. *Physical/Environmental Impacts:* No physical or environmental impacts have been identified.
5. *Self-Created Difficulty*: The difficulty is self-created.
6. *Benefit vs. Detriment:* The benefit to the applicant outweighs the detriment to the community.
7. *Minimum Variance*: The variance is the minimum necessary to achieve the benefits sought.

The Board therefore grants the requested relief from Section 197-29.1.A. of the Village Code to allow for second story additions to a one-story frame house, wood decks, outdoor shower, and spa, as depicted on the survey of the property drawn by Fox Land Surveying, dated February 24, 2025 and last updated on June 11, 2025, ("Final Plans"), subject to the following additional conditions:

V. 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.

Dated: September 18, 2025

Village of Westhampton Beach
Zoning Board of Appeals

Motion was made by Mr. Piering to adopt the determination of **Daniel Bernstein, 318 Dune Road (905-18-1-21)** as written; seconded by Mr. Martinsen and unanimously carried 5 ayes, 0 nays, 0 absent.

3. Pine Barn LLC, 13 Pine Street (905-006-02-024.03) Applicant seeks variances from §197-17.1 for a commercial building with proposed front yard setback of 40 feet where the minimum required is 50 feet, and with a proposed rear yard setback of 11.6 feet where the minimum required is 50 feet, and from §197-63 G(11)(b) for proposed transitional front yard of 10 feet where the minimum required is 30 feet.

Bailey Larken, Esq., appeared on behalf of the application. Mr. Piering stated that there is a determination, the Board has granted the requested variances, and the reading was waived.

VILLAGE OF WESTHAMPTON BEACH
ZONING BOARD OF APPEALS
----------X
In the Matter of Application of

DETERMINATION

Pine Barn, LLC.

Address: 13 Pine Street
SCTM #: 905-6-2-24.3
----------X

VI. REQUEST FOR RELIEF

The applicant, Pine Barn, LLC, is the owner of a parcel of real property located at 13 Pine Street. The property is located wholly within the B-2 Zoning District.[1] According to the existing conditions survey prepared by Raynor, Marcks & Carrington, dated July 11, 2016 and drawn on 3/12/24, the property is improved by a one story metal building, driveway, and stone parking area.

Section 197-17.1 of the Village Code and the Table of Dimensional Regulations for the Business Districts provide that, in the B-2 Zoning District, the minimum front yard setback is 50', and the minimum rear yard setback is 50'.

[1] The official Zoning Map of the Village of Westhampton Beach shows the northern portion of the property as part of the residential zone. The Building Department and Village Attorneys confirmed that the map was drawn in error and the entirety of the land is in the B-2 district.

Section 197-63.G(11)(b) of the Village Code provides that, in the B-2 Zoning District, the minimum front transitional yard shall be 30 feet.

As depicted on the site plan of the property drawn by Richard Searles, Architect dated January 29, 2024, and updated on June 11, 2025, the applicant seeks to construct a commercial building with a proposed front yard setback of 40 feet, a proposed rear yard setback of 11.6 feet, and a proposed transitional front yard of 10 feet, to serve as a storage building in connection with the Circle-M Beverage business located on the western side of Pine Street, across from the subject property.

Applicant therefore seeks the necessary dimensional variances to allow it to proceed with the site plan application before the Planning Board.

VII. 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 for a commercial building less than 4,000 square feet, the application is classified as a Type II action under 6 NYCRR § 617.5(c)(9). Accordingly, the application is not subject to further review under SEQRA.

VIII. ZBA PROCEEDINGS

This application was duly noticed for a public hearing, which was opened on August 21, 2025. The applicant's attorney, Bailey C. Larken, Esq., appeared on behalf of the application. Abraham Barth, 21 Pine Street, immediately to the north of the subject parcel, appeared and raised certain concerns about Pine Street. The Board did not receive any other written submissions from any neighbors in support or opposition to the application. The hearing was closed for a determination.

IX. 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 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.

X. FINDINGS AND CONCLUSIONS

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

8. *Character of the Neighborhood:* The applicant demonstrated that the granting of the variances will not have a material adverse impact on the character of the neighborhood. The applicant originally proposed a larger commercial building situated closer to the northern property line, but the Planning Board requested that the building be reduced in size and a larger buffer be created along the northern boundary, which is adjacent to residentially-zoned properties. The final plans for which applicant seeks relief from this Board depict a 3,960 sf warehouse, associated with the beverage distribution facility across Pine Street, as well as a 25-foot buffer zone along the entirety of the northern boundary of the property. The proposed use is a permitted use in the B-2 district, but its actual impacts are minimized by the fact that it will be used essentially as an accessory warehouse to the beverage distribution facility. As a result, no bathroom will be located in this building, and no customer access will be given to this building. The application is also undergoing detailed site plan review to ensure that the related use of the property and beverage facility will be carefully controlled to minimize impacts on the neighborhood.

9. *Alternatives:* Because the property is only approximately 100’ wide, and the front and rear required setbacks are each 50’, there is no conforming envelope within which to fit any building, without the need for a variance.

10. *Substantiality:* The variances are mathematically substantial.

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

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

13. *Benefit vs. Detriment:* On balance, the benefits to the applicant outweigh the detriments, if any, to the community, subject to the conditions imposed herein.

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

The Zoning Board therefore grants the requested area variance from Sections 197-17.1 and 197-63 G(11)(b), to construct a new 3,960 square foot commercial building to be used as a warehouse/storage building associated with the Circle-M Beverage Center located at 163 Montauk Highway, Westhampton Beach, as shown on the site plan drawn on the survey by Richard Searles Architect, dated January 29, 2024, and updated on June 11, 2025 (“Final Plans”), subject to the following conditions to minimize any adverse impacts from the variance:

XI. CONDITIONS

1. The subject property may only be used in conjunction with the beverage distribution facility across Pine Street. Covenants shall be filed in association with the pending site plan application to ensure that the property's use may not be separated from beverage distribution facility without further review and approval of the Zoning Board.

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

4. The applicant shall be required to obtain site plan approval for the building and use as depicted on the Final Plans. The Building Inspector shall determine if alterations are material so as to require further review and approval by the Zoning Board, except that the following alterations to the Final Plans shall be deemed material so as to require further review and approval by the Zoning Board: (1) any reduction in the size of the buffer area depicted along the northern lot line; (2) any change in the size or location of the building that results in an increase in the degree of nonconformity as compared to the variance relief granted herein; and (3) any change in proposed use that may result in an intensification of use compared to the proposed warehouse use reviewed by the Zoning Board.

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

6. 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: September 18, 2025

Village of Westhampton Beach
Zoning Board of Appeals

Motion to adopt the determination of **Pine Barn, LLC., 13 Pine Street (905-6-2-24.3)** as written; seconded by Mr. Martinsen and unanimously carried 5 ayes, 0 nays, 0 absent.

HOLDOVERS

4. Casey & Meghan Shanley, 86 Harbor Road (905-017-02-010) Applicant seeks variances from §197-10 C(1) for proposed building area lot coverage of 37.5% where maximum permitted is 20%, from §197-10 C(3) for proposed building/parking area of 43.2% where the maximum permitted is 40%, from §197-10 D for proposed rear yard setback of 20.5 feet where the minimum required is 25 feet, from §197-34 A(5) for proposed habitable floor area of 34% of

the lot area where the maximum permitted is 20%, and from §197-35 C for proposed deck setback of 19.25 feet where the minimum required is 20 feet.

No one appeared on behalf of the application. Mr. Hulme submitted a written request to holdover the application of **Casey & Meghan Shanley, 86 Harbor Road (905-17-2-10)** to October 16, 2025; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

5. WHB 149 Main LLC, 149 Main Street (905-011-03-001) Applicant seeks variances from §197-17.1 for proposed building area coverage of 63% where the maximum permitted is 50%, and from §197-21 for proposed expansion which requires 19 (nineteen) additional parking stalls, requiring relief pursuant to §197-24.

No one appeared on behalf of the application. Ms. Venturino submitted a written request to holdover the application of **WHB 149 Main LLC., 149 Main Street (905-11-3-1)** to November 20, 2025; seconded by Mr. Musnicki and unanimously carried 5 ayes, 0 nays, 0 absent.

6. 161 Montauk Highway LLC, 161 Montauk Highway (905-005-02-012.01) Applicant seeks variance from §197-40.1 C for proposed apartments which have a proposed 1,320 & 926 SF of habitable space where the maximum permitted is 850 SF.

No one appeared on behalf of the application. Nicholas A. Vero, Architect submitted a written request to withdraw the application without prejudice.

Motion was made by Mr. Piering to withdraw the application of **161 Montauk Highway, LLC., 161 Montauk Highway (905-5-2-12.1);** seconded by Mr. Wittsschen and unanimously carried 5 ayes, 0 nays, 0 absent.

7. Glenn Edwards, 6 Lake Way (905-010-03-007) Applicant seeks variances from §197-6 C to construct a two-story addition with a proposed lot coverage of 25.8% of the lot area where the maximum permitted is 20%, and from §197-6 D for proposed side yard setback of 18.3 feet where the minimum required is 30 feet.

No one appeared on behalf of the application. Mr. Hulme submitted a written request to hold the application of Glenn Edwards, 6 Lake Way (905-10-3-7) over to October 16, 2025.

Motion was made by Mr. Piering to holdover the application of **Glenn Edwards, 6 Lake Way (905-010-03-007)** to October 16, 2025 seconded by Mr. Badzik and unanimously carried

NEW APPLICATIONS:

8. Westhampton Enterprises LLC, 141 Montauk Highway (905-005-02-009.02) Applicant seeks variance from §197-30 C(20)(b) for proposed wall sign for "Citarella" with lettering of 47 inches in height where the maximum permitted is 12 inches.

Bailey Larken, Esq., appeared on behalf of the application. They are seeking relief from the size of the sign lettering, the letter "C" is the only letter that does not comply, and it's due to the branding of the company. It's consistent with the brand and makes the sign lettering visible on Montauk Highway and it will be black in color. And it is gooseneck lighting and will not be lit at all. I looked at variances granted by this Board; Starbucks was granted a variance from 16" lettering and the most obvious sign is the large logo which is not require a variance and that's consistent with the letter "C" we're seeking relief from. We did hear from one neighbor, and that's Marcus Stinchi who did not object to the application. There are no alternatives and if we shrink it to 12" it will not be legible along Montauk Highway and its legible when traveling toward the sight. It is one sign on the North side facing Montauk Highway and it's one letter that we need relief for. And it will not create any detriment to the area.

Mr. Piering said you can have one foot and you want the "C" to be four feet? Can you make it any smaller? That's a big difference in size, and I understand it's one letter but it's a big difference in size. How small can they make it?

Ms. Larken said they blew up the existing sign so the rest would be proportional to their logo on their products.

Mr. Piering asked how big their other signs are?

Ms. Larken said the sign in Bridgehampton is 3' 2" which is the letter "C".

Mr. Piering said it's larger than this.

Ms. Larken said it's slightly smaller.

Mr. Piering said it can be done then.

Mr. Musnicki asked if they reduced the letter "C" would it distort the logo?

Ms. Larken said yes.

Mr. Musnicki asked the size of the sign in Bridgehampton in comparison to the letter "C".

Ms. Larken said she can get that information.

Mr. Badzik said the store on 3rd Avenue does not have a 4' letter "C" and that continues under the other letters underlining it and that's part of the sign and measurement.

Ms. Larken said yes, it is part of the measurement.

Mr. Musnicki said that's their logo, their stationary, vehicles and brand. And that's to scale whether it's a 4' "C" or a 10' "C" it's to scale?

Ms. Larken said yes.

Mr. Musnicki said that is important. When you have a brand and a logo, it's like taking Coca Cola and saying okay, that letter is too large and reduce it by 20% the logo and brand no longer matches what it is known. And companies take decades and years to develop brands and identification for products.

Mr. Piering agrees with Mr. Musnicki. He said they are allowed 12" letters and then they want a 4' "C" and the "C" in Bridgehampton is smaller, so it can be done, but we don't know the size of the other letters.

Ms. Larken said they are also permitted signs on both sides and a monument on the ground so they do have more signs and more visible signs on Montauk Highway and it's offset by the monument sign on the ground. We only are permitted one sign on Montauk Highway.

Mr. Piering asked if there were any other questions or comments. There were no other comments or questions. Do you want to close it, or talk to your client about altering the sign?

Mr. Pasca said you could see the comments, and it sounds like Mr. Piering is looking for a smaller letter "C" and it would be fair to see what the Board is looking for.

Mr. Piering said Mr. Musnicki made his point. Mr. Martinsen said he'd like to see the sizes of the signs in Bridgehampton and their scale, and understanding they have more opportunity on the building but I'd like to see the point of comparison.

Mr. Pasca suggested that she hold it over.

There were no other comments or questions.

Motion was made by Mr. Piering to holdover the application of **Westhampton Enterprises, LLC., 141 Montauk Highway, (905-5-2-9.2)** to October 16, 2025; seconded by Mr. Martinsen and unanimously carried 5 ayes, 0 nays, 0 absent.

9. Dime Community Bank (Hampton Coffee), 194 Mill Road (905-008-03-023)
Applicant seeks variances from §197-30 C(1) for proposed ground sign for "Hampton Coffee" which represents a third sign where the maximum permitted number of signs is two, and from

§197-30 C(9)(a) for a proposed ground sign where the building setback to the street line is 35.7 feet where the building is required to be at least 40 feet setback to permit a ground sign.

James N. Hulme, Esq. appeared on behalf of the application, together with Jason Belkin, owner. Mr. Hulme said they applied for a ground sign at their location across from Village Hall and they are seeking a ground sign which is a third sign 35.7' as opposed to the required 40' and they are allowed two signs and one can be a ground sign, and with the ground sign they are almost compliant. They'd like to keep that sign and they are close enough to the 40' to work with this Board. He provided the Board with photographs of the existing signs and its visible and identifies the building and it's not over the front door and you can't see the front of the building when you see the sign and if you look at the building from the front and the photo provided is from the proposed location o the ground sign and the sign on the building is small and useful to identify the front door from the parking lot and not to tell a passerby where it is when they pass by. There is a lot of traffic in the circle and down Oak Street and by virtue of the neighbor across the road their sign is much larger and closer to the road and that's why we're seeking our proposed sign. In all respects it meets the requirement to size, color, square footage, letter size, etc.

Mr. Musnicki asked if he is maxed out on the square footage of the signs?

Mr. Hulme said we're close; we're allowed 1 square foot of frontage and our frontage is small so our two signs are close but that's not a variance we're seeking so we have size available to use but we don have a place to put the sign.

Mr. Piering said if the signs are not good identifiers why don't you remove one and make this a second design?

Mr. Hulme said the one on the size is large enough and seen well from the road, and we don't want to give that up and if we took it down the buildings not identified. If we lose the one in the front, then we have a sign on the street and it says we're on this complex but no sign saying where they are exactly on the complex and identifies where to go and what door to go in. And it's a little sign and barely visible from the traffic circle.

Mr. Piering thanked Mr. Hulme. He asked if this is the sign they want to erect? Fresh Lemonade and Shaken Cold Brew?

Mr. Belkin said yes, and most want that drink and they don't realize we sell that product.

Mr. Hulme said the Sign Ordinance allows that yes.

Mr. Piering read the Code.

Mr. Musnicki asked if there are any other businesses that use three signs, or have relief for three signs.

Mr. Hulme said the three sign issue stems from the orientation of the building on the lot. As I indicated if we lose the sign on the side we aren't visible, the sign on the front indicates where the front door is and that's an important component.

Mr. Musnicki said a lot is driven by the frontage which is small, and that restricts you.

Mr. Hulme said yes, and it's a long way away from the street and the location that we're proposing a sign is closer.

Mr. Musnicki said it's a roundabout also where people don't know which direction to go in and they keep their eyes on the road more than the business.

Mr. Martinsen asked if they took the sign down on the side in exchange for this would the awareness be equal?

Mr. Hulme said no. That road is the main road into this Town and we want to be identified on that road as people enter the Village.

Mr. Pasca asked if he can make a case how it won't set a precedent fir every corner lot.

Mr. Hulme said yes. The lot comes to a peak, there is a traffic circle, it's perpendicular to the street lot line on the East and the property is unique and interesting location of the building. It was a gas station and the building was replaced.

Mr. Pasca asked if they are the only other tenant, would the owner covenant that we won't get another application for the other tenant who now wants another sign?

Mr. Hulme said the other tenant is the owner, and I can't see that they'd be adverse to that thought.

Mr. Musnicki said the Dime Bank is the other tenant and owner, and they may not have taken advantage of their signage and square footage and that's something to think about since it's one building you can use the entire building and work on the signs that way and adding something to that.

Mr. Hulme said if I were the bank I wouldn't give it up to another tenant and these applications need to be analyzed in the context of the Code and they deal with signs, sizes and number of signs for individual uses and tenants but we will explore the covenant idea.

Mr. Piering said the uniqueness and not setting a precedent and we all know this Village is changing; this sign is to direct competition to the other side and how will they market his unique so other businesses don't do this.

Mr. Hulme said the Surf Shop is setback and is square to the road and doesn't have the challenges this lot has.

Mr. Piering said this is designed to compete with the other business. How do we make that different for other businesses in this Town?

Mr. Hulme said the physical layout of this lot is different from any other lot. I don't know that there are any other lots with this unique shape to it and how far back it is set from the road and the point it comes and the shape of the lot being so odd.

Mr. Piering said if you or another attorney would come to this Board and ask for a sign over competition.

Mr. Hulme said the content of the sign is not an issue, what we're planning to put on the ground sign is well within the meaning of the Code otherwise the Building Inspector would have denied it on that.

Mr. Pasca said it's a variance, you're trying to get more information out there through signage than you could do on the two signs you're allotted and it could be precedent setting. A business wants a logo and to advertise and that's setting a precedent and there is a limit for a reason and you have to choose within the confines of the Code; how does it not proliferate and turn into extra signs.

Mr. Hulme said they would not come this close tot the 40' setback, and we can almost meet it we're at 35.7'. The other buildings on the traffic circle are on the circle and they could not meet the 40' setback and could not come close to the 35'.

Mr. Piering said I am talking about the third sign.

Mr. Hulme said in the context of the examples you chose, there is good visibility and we have less so because of the shape of the property and if we lost the sign on the Potunk Lane sign we would not be visible to that traffic and the sign over the door indicates where the business actually is and that's the characteristics of the site and it's orientation as compared to any other business that would try to make this argument. Most are on rectangular lots and the front of the building is close and parallel to the road.

Mr. Martinsen asked if they could adapt an existing sign to incorporate the message and achieve the goal?

Mr. Hulme said you couldn't see it; the sign over the front door isn't visible.

Mr. Pasca asked why you need it if you can't see it?

Mr. Hulme said to see what door to go in.

Mr. Badzik said you do have the Dime Bank sign.

Mr. Hulme said it will create a level of confusion as to where the business is located.

Mr. Piering asked if there were any questions or comments; there was no questions or comments.

Mr. Hulme said they can adjourn it and inquire about the covenant.

Mr. Piering asked what that would be?

Mr. Hulme said it would restrict another tenant from seeking a variance relief to obtain another sign.

Mr. Pasca said Dime Bank will ask for the same, and it becomes an automatic precedent.

Mr. Hulme said Dime Bank could have the same circumstances.

Mr. Pasca said that was my only question, and I'm not suggesting what you should or should not but it is precedent setting and that could be a way to minimize it.

Mr. Musnicki said people might disagree, and if this were my application I would look at the building and I would talk to the landlord about total square footage for the building with a covenant that when the Hampton Coffee if they leave, it extinguishes the sign.

Mr. Hulme said I don't think under the Code there is any square footage available. It talks about signs and sizes in relation to frontages and I don't know if the sign ordinance contemplates whether they can assign their signage rights to this applicant. If they agree to that, the ground sign could be their second sign and give it to us but I don't think that's allowed in the Code.

Mr. Piering said that's important to look into.

Mr. Hulme asked if there is any issue with the distance?

Mr. Piering said if you are allowed a third sign it has to go there I don't see anywhere else for it to go.

Mr. Hulme asked them to please hold the application over.

Motion was made by Mr. Piering to holdover the application of **Dime Community Bank (Hampton Coffee) 194 Mill Road (905-8-3-23)** to October 16, 2025; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

10. Sweeney Family Holdings LLC, 223 Dune Road (905-020-02-001) Applicant seeks variance from §197-35 C for proposed deck extension with a setback to the crest of the dune of 61.5 feet where the minimum required is 75 feet.

Heather A. Wright, Esq., appeared on behalf of the application. She said the Sweeney Family has owned this property since 2020 and they are proposing an addition of 341 square feet to the existing wood deck which is 69' from the Crest of the Dune and we want to move it to 61.5 feet. When we look at the five part test and the impact of the character of the neighborhood and it doesn't have one and it's a small extension adding additional outdoor space to make it more functional because the South side is only 3' between the pool and fencing at the edge of the deck and for safety purposes and space it won't impact the East or Westerly neighbors and we are in line with the location of the deck of the house to the East and Bath & Tennis is the West and they are 100' further South than where we're located. We tried to design it consistent with the Dune Crest setback for accessory structures and there's no feasible alternative because if we go East or West

it wouldn't work for the location of the stairs, mechanicals and we are at our setback limit so any movement East or West requires a variance relief from this Board. It's not substantial when you look at the request against the lot and it's only 75' wide and narrow; the location of the existing structures and we're not exceeding lot coverage or asking for side or total side yard variances; it is a small deck extension. And all variances are self-created but not a deciding factor.

Mr. Piering asked what they are doing with the air conditioning units.

Ms. Wright said it's going to be moved to the Westerly side of the property. The air conditioning is shifted to the side of the property on the West.

Mr. Piering asked if they need 20' for that?

Ms. Wright said yes.

Mr. Pagac said air conditioning is permitted in the setback.

Ms. Wright said I will talk to Mr. Hammond, and it wasn't raised as a variance we need.

Mr. Badzik said the survey is 15.5' from that side.

Mr. Pagac said there is a platform that it is on and that's why its more wide and I understand it is permitted in the side yard.

Mr. Piering said I have to talk to Mr. Hammond.

Mr. Pagac thinks they are not accessory because they are mechanicals.

Ms. Wright said okay, they will talk to Mr. Hammond.

Mr. Piering said putting it in the side yard you should have to meet the setback because it could be under the neighbors window.

Ms. Wright said its on the side of the Bath & Tennis, but we'll talk to Mr. Hammond.

Mr. Pasca asked if the side yard is conforming? Was a variance given for that side?

Ms. Wright said yes, in 2005 when it was constructed the then owner obtained a variance for the setback due to builder error and sought a variance after it was built.

Mr. Pasca said the more modern decisions, when the side yard variances are granted the air conditioning units are not permitted in that sideyard without further review by this Board and if we're adding to it this Board has to review it.

Ms. Wright said okay.

Mr. Pasca asked if it can go anywhere else.

Ms. Wright said they will find out.

Mr. Musnicki said this property is fully developed and it's a five bedroom, five bathroom, 5,000 square feet house built to the max; the spirit of the variance is really for practical difficulties and unnecessary hardship which is neither of these, they just want to extend their deck. It's an over reach of what I think.

Ms. Wright said okay. A few thoughts, to clarify we are not maxed out on lot coverage now and if this variance is granted we'll be close but we're not exceeding it. With respect to the side yards we are at that setback but in 2005 that decision, the lot is 75' and on new construction, this Board grants side yard relief proportionate to the lot size and we're asking to move South and it's not because they want it; it's a safety issue which is similar to 351 Dune Road which had a deck and pool and the South side had a fence and it was 3' from the pool coping and the fence and the Board did not grant the side yard variances, but recognized the request for the Dune Crest setback to

accommodate room around the pool and it isn't because they want it but there is a case to be made for why this variance request makes sense and is consistent with this Board granting variances.

Mr. Musnicki asked if she has that decision for 351 Dune Road? That should be part of the argument.

Ms. Wright said yes. She provided a copy of the decision for the record. She said they'd like a bigger deck but they looked at the Dune Crest decisions, 15, and 17 Dune Road were new construction and similar lots with 59.1' from the Dune Crest for a deck and pool, and one has 61' which is similar to this and it recognizes the constraints of lots on Dune Road.

Mr. Musnicki said a 5,000 square foot house got built on a narrow lot.

Ms. Wright said that's the case on all of the houses on Dune Road, the size of the house isn't a factor here we're not seeking a lot coverage variance.

Mr. Musnicki said I would put those cases into the record for us.

Ms. Wright provided the decisions for 17 Dune Road, and 15 Dune Road for the record.

Mr. Piering asked the width of the deck on the South.

Ms. Wright said it's 69' and we're going to 61.5'.

Mr. Piering said you are adding 8' to the existing 3' of deck?

Ms. Wright said yes, we're adding 8' to the deck in a circular layout.

Mr. Piering said the closest point to the Dune is 61 feet?

Ms. Wright said yes; it's on piles with sand under it and there's no foundation.

Mr. Pasca said the AC is shown on the West and it wasn't flagged by Mr. Hammond so we can assume he interprets it that way, but it doesn't mean it can't be looked at as an impact and you're not being asked to give a setback variance on the Western side yard. They are shown on the survey on the West.

Ms. Wright said if there was a single family home on the West okay, but it 's the Bath & Tennis hotel and catering hall and further South significantly from the air conditioning.

Mr. Martinsen said it's on the service driveway at the Bath & Tennis?

Ms. Wright said yes.

Mr. Musnicki said the property to the East is further South if this is granted with the 8' extension and their pools have no room on the South to walkaround too and I see them seeking the same relief if not more.

Ms. Wright said she can't speak to what they may or may not do. I don't know the width of those lots, it could be 75' or 100' and I don't know their constraints.

Mr. Musnicki said I don't recall ever voting on a variance because of the Dune Crest because a lot is 75' and under sized.

Ms. Wright said she misspoke, her point is that with respect to the 2005 variance granted by this Board, but the relief was to address a builders error and on these more narrow lots this Board grants more side yard relief than what we have because of lot width and we're not asking for that so we don't get closer to the neighbors and that is our constraint.

Mr. Musnicki said that's correct.

Mr. Piering said he had nothing else to add. There were no other questions or comments.

Mr. Musnicki said he wants to see the decisions that were made part of the record tonight.

Mr. Piering wants to talk to Mr. Hammond about the side yard for the air conditioning units.

Motion was made by Mr. Piering to adjourn the hearing of **Sweeney Family Holdings, LLC., 223 Dune Road (905-20-2-1)** to October 16, 2025; seconded by Mr. Martinsen and unanimously carried 5 ayes, 0 nays, 0 absent.

11. William Dersch, 483 Dune Road (905-016-02-023) Applicant seeks variances from §197-8 A to construct additions with a resultant proposed front yard setback of 57.1 feet where the minimum required is 75 feet, from §197-8 E as the proposed addition represents a third story where the maximum permitted number of stories is two, and also from §197-8 E for proposed height of 35.9 feet above grade plane where the maximum permitted height is 32 feet, where not in a floodplain.

Jeffrey Sands, Architect appeared on behalf of the application. They are trying to relocate the master bedroom and preserve ground area. They want to add living space above the kitchen and there's a vaulted ceiling and the kitchen will remain but we'll build over it. We have to build out forward and its non conforming in the front and it's an extra 4' to fit a staircase, so the house is quirky and in section it's a multi level house so the determination of the third floor is questionable but I understand Mr. Hammond's point but there's no floor it's an unconditioned garage you can't access from the house and it's on piles and not usable area and there isn't a third floor above the first or second floor and if it's third floor we'll do what needs to be done to conform.

Mr. Piering said the first floor is the garage?

Mr. Sands said under the house is the garage then you go up a few feet and enter the house and then there is a second floor above that and we're' looking to add a level above the kitchen.

Mr. Piering asked how the new addition will be part of the house? There will be a first floor that is shown then there's the second floor and above that is what?

Mr. Sands said it's an attic space.

Mr. Piering asked what's below the attic?

Mr. Sands said a living room and below that are bedrooms. There will be stairs that go up to the bedroom they are proposing.

Mr. Piering said how do you not count it as a third floor.

Mr. Sands said okay.

Mr. Pasca asked if the first story is habitable?

Mr. Sands said it's piles.

Mr. Pasca said the "third floor addition" is above or not above two finished floors?

Mr. Sands said yes, it's only above one finished floor.

Mr. Pasca said okay, that needs to be clear for the record. It's still three stories, but some people ask for relief to allow the first story to be treated as if it were n a flood zone.

Mr. Sands said the difficulty is that the house is in a Spot "X Zone and the flood plain is close to the front and back of the house; the houses on each side have the flood plains into the houses and those houses are 44' tall so we are seeking to be 44' tall as well and it's not out of character of the houses in the surrounding area.

Mr. Musnicki said it's in the "X" Zone and that's the reason?

Mr. Sands said yes, we can't go 32' above the grade.

Mr. Musnicki said that's and advantage being in the "X" Zone because it's not as severe as the AE Zones. On this if you decided you wanted a flat roof you'd be fine.

Mr. Sands said okay. It would be close.

Mr. Musnicki said okay.

Mr. Martinsen asked the height of the ceiling of the new addition.

Mr. Sands said the plate heights are less than 36' to the plate height and we'll cathedral the ceilings in the third floor.

Mr. Pasca asked what a VE X Zone. Velocity is a flood zone, and X is not.

Mr. Sands said it's seaward of the CEHL.

Mr. Pasca said there are pocket "X" Zones, but I don't know what a VE X Zone is.

Mr. Sands said that is on the survey drawn by David Fox.

Mr. Musnicki said the "X" Zone is the better zone to be in

Mr. Pasca said the VE is in the bad zone to be in. When you design the lower level in a VE Zone there are things that don't have to be in as if it were an AE Zone. Does this have to meet the Velocity design standards? I'm confused by this.

Mr. Sands said he can confirm with David Fox.

Mr. Pasca said we've seen pocket "X" Zones on Dune Road and the argument is future proofing and treating it as if it were a flood plain.

Mr. Piering said it's a unique layout and in the past they have had "X" Zones and third stories, but the whole first story is unoccupied like the garage here and you almost have a stacked house with three stories and I don't know of any variances granted for a third story under these conditions.

Mr. Pasca said no part of the house is three habitable stories.

Mr. Sands said yes; they cannot access the house under the piles.

Mr. Badzik said you have to go outside to get the garage?

Mr. Sands said yes.

Mr. Piering said that cannot ever be habitable with interior access to the garage.

Mr. Sands said correct they are not proposing an interior staircase to the garage.

Mr. Piering said the front yard nonconformity is increasing?

Mr. Sands yes, by 4' we're pushing the addition and deck and staircase out by 4' to fit the interior staircase and not tear out the existing kitchen.

Mr. Piering said okay. He asked if there were any other questions or comments. There were no other questions or comments.

Mr. Pasca would like clarification in the VE X Zone, we don't have to keep the record open we just need clarification.

Mr. Sands said yes, I will find out.

Motion was made by Mr. Piering to close the hearing of **William Dersh, 483 Dune Road (905-16-2-23)** for a determination; seconded by Mr. Wittschen and unanimously carried 5 ayes, 0 nays, 0 absent.

Motion was made by Mr. Piering to adjourn the meeting at **6:09 p.m.;** seconded by Mr. Musnicki and unanimously carried 5 ayes, 0 nays, 0 absent.