

October 17, 2019

Incorporated Village of Westhampton Beach held its Board of Zoning Appeals meeting on Thursday, October 17, 2019, at 5:00 p.m. in the Municipal Building, located at 165 Mill Road, Westhampton Beach, New York.

PRESENT: Gerard Piering, Chairman
Jim Badzik
Joe Musnicki
John Wittschen
Frank DelGiudice

Anthony C. Pasca, Esq., Village Attorney
Brad Hammond, Building & Zoning Administrator

Maeghan Mackie, Building Permits Examiner / Board Secretary

MINUTES TO BE APPROVED

Motion was made by Mr. Piering to adopt the minutes of the September 19, 2019 meeting as written; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

DECISIONS:

1. 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.

James N. Hulme, Esq., appeared on behalf of the application.

Motion was made by Mr. Piering to adopt the determination of **Andersen-Kuntz 97 Hazelwood, Westhampton Beach (905-2-2-20.2)** as written; seconded by Mr. Wittschen and unanimously carried 5 ayes, 0 nays, 0 absent.

2. DeMartino, 43 Rogers Ave, (905-6-1-31) Applicant requests a variance from Section 197-5 A(1) to construct a one- and two-story addition to a single-family dwelling with a combined side yard of 31.6 feet where the minimum required is 40 feet, and from Section 197-35 C to construct a detached garage 10’ from side and rear property lines where the minimum setback required is 15 feet.

No one appeared on behalf of the application.

Motion was made by Mr. Piering to adopt the determination of **DeMartino, 43 Rogers Ave, (905-6-1-31)** as written; seconded by Mr. DelGiudice and unanimously carried 5 ayes, 0 nays, 0 absent.

3. L & P Associates LLC, 345 Dune Rd, (905-18-2-9) Applicant requests variances from Section 74-5 C(2) to construct structures within the Coastal Erosion Hazard Area, from Section 197-8 C for a proposed building lot coverage of 24.7% where the maximum permitted is 20%, from Section 197-8 D to construct a dwelling with a combined side yard of 41 feet where the minimum required is 50 feet and also for a rear setback of 62.2 feet from the crest of the dune where the minimum required is 75 feet, from Section 197-8 E to construct a dwelling with three stories above grade where the maximum permitted is two stories, and from Section 197-35 C to construct an accessory pool and deck 35.2 & 32.1 feet, respectively, from the crest of the dune where the minimum required is 75.

Heather A. Wright, Esq., appeared on behalf of the application.

Mr. Musnicki said that the Board is approving the determination, and asked to poll the Board.

October 17, 2019

Motion was made by Mr. Musnicki to adopt the determination of **L & P Associates LLC, 345 Dune Rd, (905-18-2-9)**; seconded by Mr. DelGiudice and carried as follows:

Mr. Wittschen: Aye;

Mr. Badzik: Nay;

Mr. Piering: Nay;

4. SKL Realty Holdings LLC, 111-115 Main St (905-11-2-22) Applicant requests variance from §197-27 D to bring in fill 2.4' and 5' from Western and Southern property lines, respectively, where the minimum setback is 10 feet.

Jason Ormond, Architect and Kevin Leahy appeared on behalf of the application.

Motion was made by Mr. Piering to adopt the determination of **SKL Realty Holdings LLC, 111-115 Main St (905-11-2-22)** as written; seconded by Mr. Wittschen and unanimously carried 5 ayes, 0 nays, 0 absent.

5. Ironman Realty LLC, 175 Dune Rd (905-20-2-20.1) Applicant requests variance from §197-35 B(1) to extend a pool proposed to be partially located within the side yard where accessory structures are specifically prohibited in the side yard.

James N. Hulme, Esq., appeared on behalf of the application.

Motion was made by Mr. Piering to adopt the determination of **Ironman Realty LLC, 175 Dune Rd (905-20-2-20.1)** as written; seconded by Mr. Musnicki and unanimously carried 5 ayes, 0 nays, 0 absent.

6. 127 Jessup Lane LLC, 127 Jessup Lane (905-10-5-42) Applicant requests a variance from §197-6 C for a proposed building area of 20.9% of the total lot area where the maximum permitted is 20%, and from §197-35 A to erect a hot tub proposed to be located in the side yard where accessory structures are specifically prohibited in the side yard.

James N. Hulme, Esq., appeared on behalf of the application.

Motion was made by Mr. Piering to adopt the determination of **127 Jessup Lane LLC, 127 Jessup Lane (905-10-5-42)** as written; seconded by Mr. Badzik and unanimously carried 5 ayes, 0 nays, 0 absent.

NEW APPLICATION:

7. Francis & Donna O'Conner, 16 Oneck Place (905-009-03-035) Applicant requests variance from §197-6 D to construct an addition with a front yard setback of 38.9 feet where the minimum setback required is 50 feet.

Aram Terchunian, First Coastal appeared on behalf of the application. This is a block and a half road that dead ends on a canal, and this parcel is adjacent to the Country Club, and there is a jog in the property line but I do understand it was subdivided in the 1930's and if you look at the survey you can see the line of the pavement continues past the jog even though the property line changes, and this is at a dead end and there's only a neighbor across the street that's impacted. If you look at the setback to the Western portion its 55.5' and exceeds the front yard setback and it's a minor variance. There are other benefits they will lift the house to be FEMA requirement. There is a proposed addition, deck and pool that will all be in compliance.

Mr. Wittschen asked what the FEMA is?

AT said it is AE 8 plus the 2' of freeboard. The benefit cannot be achieved by another method, they are squaring off the house. The variance is minor and not substantial in nature. It's a modest home, and still will remain as such and it is not self-created.

October 17, 2019

Mr. Piering said this is very straight forward and a nice location. He asked if there were any other questions or comments.

Motion was made by Mr. Piering to close the hearing of Francis & Donna O'Conner, 16 Oneck Place 905-9-3-35) for a determination; seconded by Mr. DelGiudice and unanimously carried 5 ayes, 0 nays, 0 absent.