

ZONING BOARD OF APPEALS AGENDA  
Thursday, August 18, 2022, 5:00 P.M.  
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

**MINUTES TO BE APPROVED**

July 21, 2022

**DECISIONS**

- 1. Mark & Palmira Cataliotti, 37 Beach Rd (905-012-02-039)** Applicant requests variance from §197-35 C(1) to maintain an accessory residential storage shed located 0.8 & 4.3 feet from property lines where the minimum required is 10 feet.
  
- 2. Peter Hertz, 104 Griffing Avenue (905-007-03-007)** Applicant requests variances from §197-6 D to construct an addition with a proposed rear setback of 31 feet where the minimum required is 50 feet, and from §197-29.1 A as the addition is proposed partially within the required front yard (40.7' proposed, 50' required) and partially within a required side yard (21.7' proposed, 30' required), representing a prohibited increase in the degree of nonconformity of a dwelling with preexisting nonconforming front & side yard setbacks.
  
- 3. George & Elvira Anderson, 317 Dune Road (905-018-02-022)** Applicant requests variances from §74-5 C(2) for proposed major additions within the coastal erosion hazard area where not permitted, from §197-8 C for a proposed combined side yard setback of 36.7 feet where the minimum required is 50 feet, from §197-8 F for a proposed exterior deck that exceeds the height of second habitable floor level where not permitted, from §197-29.1 A as the additions are proposed partially within the required side yard (14.8' proposed, 20' required) and partially beyond the maximum allowable height (43.3' proposed, 40' maximum), representing a prohibited increase in the degree of nonconformity of a dwelling with preexisting nonconforming side yard setback and height, and lastly from §197-35 C for a proposed pool with a setback to the crest of dune of 45.8 feet where the minimum required is 75 feet.
  
- 4. 804F Realty Corp, 112 Montauk Highway (905-004-02-014.01)** Applicant requests variances from §197-30 C(1)(a) for proposed signage totaling six (6) signs (ground sign, wall sign, four "V" canopy signs) where the maximum permitted is two signs, from §197-30 C(9)(a) for proposed ground sign setbacks of 5.3 & 6.3 feet where the minimum required is 10 feet, from §197-30 D(7) for two "V" canopy signs proposed above the eave line (on the roof) where not permitted, and also from §197-30 D(7) for two "V" canopy signs proposed covering architectural details (reverse gable cornices) where not permitted.

**HOLDOVERS:**

- 5. Egret Dune Corporation, 95 Dune Road (905-021-04-002)** Applicant requests variances from §197-8 D for proposed side yard setbacks of 6 & 10 feet where the minimum required is 20 feet with a proposed combined side yard setback of 16 feet where the minimum required is 50 feet, from §197-35 C for proposed accessory deck with setbacks of 6 & 10 feet where the minimum required is 20 feet, and also from §197-35 C for proposed accessory pool with setbacks of 10 feet where the minimum required is 20 feet.

**6. Michael & Elizabeth Levy, 205 Dune Road (905-020-02-008)** Applicant requests variances from §74-5 C for proposed major additions to the dwelling (nonmovable structure) within the Coastal Erosion Hazard Area (CEHA) where specifically prohibited, from §74-8 A(8) for proposed major additions and restoration of the dwelling within the primary dune area where specifically prohibited, and from §197-29.1 A as proposed additions are located within a required rear yard (75' required from crest of dune), representing a prohibited increase in degree of nonconformity of a building with nonconforming rear yard setback.

**7. WHB Development Partners LLC, 107 Old Riverhead Road (905-022-02-021)** Applicant requests variances from §197-30 C(9)(c) for proposed ground mount sign lettering of 38 inches in height where the maximum permitted is 12 inches, from §197-30 C(9)(c) for a proposed ground mount sign area of 32 square feet where the maximum permitted is 25 square feet, from §197-30 C(20)(b) for proposed wall sign letters of 36 inches in height where the maximum permitted is 12 inches, and from §197-30 D(14) for proposed digital gas price ground sign which is internally illuminated where specifically prohibited.

### **NEW APPLICATIONS:**

**8. Athanasios Polydor, 40 Library Avenue (905-011-03-020.03)** Applicant requests variances from §197-11 D(1) to construct an addition with a proposed front yard setback of 20.4 feet where the minimum required is 40 feet.

**9. Shirley Tong, 29 Maple Street (905-005-01-033)** Applicant requests variance from §197-29.1 A for a proposed addition located partially within the required side yard (13.9' proposed, 15' required), representing a prohibited increase in the degree of nonconformity of a dwelling with preexisting nonconforming side yard setback.

**10. 85 & 105 Montauk LLC, 85, 105 Montauk Hwy & 105 Oak St (905-005-01-012, -053.01 & -052.02)** Applicant requests variances from §197-17.1 to reconstruct a restaurant with proposed front yard setbacks of 10.5 & 20.2 feet (corner lot) where the minimum required is 50 feet, and from §197-63 B for proposed transitional front yard of 10.5 feet to the building and 10.8, 12 & 24 feet to the parking areas where the minimum required is 30 feet.

**11. First Dunes Development 496 LLC, 496 Dune Road (905-016-01-019)** Applicant requests variances from §197-8 B for a two-lot subdivision with proposed lot areas of 13,211 & 15,022 square feet where the minimum required is 20,000 square feet and featuring proposed lot widths of 80.47 & 79.53 feet where the minimum required is 100 feet. Applicant also requests variances associated with proposed single-family development of the two potential lots from §197-8 C for proposed building area coverage of 23.4% for "Lot 1" and 22.6% for "Lot 2" where the maximum permitted is 20%, from §197-8 D for proposed side yard setbacks of 10 & 15 feet for both lots where the minimum required is 20 feet with proposed combined side yard setbacks of 25 feet where minimum required is 50 feet, from §197-35 C for proposed deck setbacks of 10 & 15 feet for both lots where the minimum required is 20 feet, and also from §197-35 C for a proposed pool setback for of 15 feet for "Lot 1" where the minimum required is 20 feet and for a proposed pool setback of 10 feet for "Lot 2" where the minimum required is 20 feet.

Dated: August 2, 2022