

ZONING BOARD OF APPEALS AGENDA  
Thursday, November 16, 2023, 5:00 P.M.  
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

**DECISIONS:**

- 1. David Weinstein, 7 Meadow Lane (905-010-01-022)** Applicant requests variances from §197-1 to legalize an as-built pool cabana with plumbing facilities of 351 square feet where the maximum permitted is 200 square feet.
- 2. Mary & Kenneth McGorry, 350 Dune Road (905-018-01-009)** Applicant requests variances from §197-8 D to construct a dwelling with proposed side yard setbacks of 12.6 and 17.5 feet where a minimum of 20 feet is required, with a proposed combined side yard setback of 30.1 feet where a minimum of 50 feet is required, and with a proposed rear yard setback of 52.2 feet where a minimum of 75 feet is required, and from §197-35 C for a proposed accessory deck setback of 13.9 feet where a minimum of 20 feet is required.
- 3. Scott Eichel, 161 Dune Road (905-020-02-025)** Applicant requests variances from §197-8 A(2) for proposed habitable space (office over garage) in detached building not deemed to be normal and accessory to principal single-family dwelling use, from §197-8 D to construct a dwelling with proposed side yard setbacks of 18.9 feet where the minimum required is 20 feet, and with a proposed combined side yard setback of 37.8 feet where the minimum required is 50 feet, from §197-8 E for proposed dwelling three stories high where the maximum permitted is two stories, from §197-35 C for a proposed accessory deck with side setbacks of 18.9 feet where the minimum required is 20 feet, and with a proposed rear setback to the crest of dune of 55.5 feet where the minimum required is 75 feet, and also from §197-35 C for a proposed accessory pool with a rear setback to the crest of dune of 61.7 feet where the minimum required is 75 feet.
- 4. Joy Hepburn, 339 Mill Road (905-008-01-014.03)** Applicant requests variance from §197-35 to legalize a patio at-grade constructed in the front yard, where prohibited, in conjunction with the construction of an inground swimming pool where relief was granted by the ZBA for the pool only on June 17, 2022.
- 5. Thomas & Faith Tilson, 218 Dune Road (905-020-01-002)** Applicant requests variances from §197-29.1 A for a proposed second-story addition, representing a prohibited increase in degree of nonconformity of a dwelling with a substandard side yard setback, 17.4 feet existing/proposed where a minimum of 20 feet is required, & substandard combined side yard setback, 44.9 feet existing/proposed where a minimum of 50 feet required.
- 6. Le Trois LLC, 482 Dune Road (905-016-01-024)** Applicant requests variance from §197-8 C to legalize a constructed patio resulting in a building area lot coverage of 20.8% of the total lot area where the maximum permitted is 20% .

**7. Robert & Teri Burke, 11 Tuttle Place (905-015-02-020)** Applicant requests variances from §197-6 C for proposed additions resulting in a building lot coverage is 21.98% of the lot area where the maximum permitted is 20%, and from §197-29.1 A as proposed additions represent prohibited increases in gross floor area of a dwelling with preexisting nonconforming side yard setbacks of 25.5 & 26.2 feet where 30' is required and a corresponding nonconforming combined side yard setback of 51.7 feet where 70' is required.

**8. Lee Dubb, 9 Stacy Drive (905-010-05-030)** Applicant requests variance from §197-35 A for a proposed tennis court to be located in the front yard where prohibited.

**9. Beach Star Capital Trust, 22 Bayfield Lane (905-010-06-002)** Applicant requests variance from §197-1 to maintain the tennis court and detached garage after minor subdivision, which represents a prohibited existence of accessory structures/uses on a lot without a principal single-family use.

**HOLDOVERS:**

**10. 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.

**11. Lawrence & Donna Francis, 77 Library Ave (905-015-02-028)** Applicant requests variances from §197-29.1 A for a proposed unfinished second story over detached garage, representing a prohibited increase in gross floor area of a preexisting nonconforming accessory structure in the front yard.

**12. 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.

**13. Westhampton Property Management LLC, 141 Montauk Highway (905-005-02-006.01, -006.02, -007 & -009.01)** Applicant requests variances from §197-17 for a proposed grocery store with a gross floor area of 6,538 square feet where the maximum permitted is 5,000 square feet, from §197-17.1 for a proposed rear yard setback of 13.3 feet where the minimum required is 50 feet, for a proposed combined side yard setback of 47.6 feet where the minimum required is 50 feet, from §197-29.1 A for a proposed building addition which represents a prohibited increase in gross floor area of a building with a preexisting nonconforming front yard setback (41.5 existing/proposed where the minimum of 50 feet is required, and also from §197-29.1 A for a proposed storage addition which represents a prohibited increase in gross floor area of a building with a preexisting nonconforming side yard (3 feet existing/proposed where the minimum required is 20 feet).

## **NEW APPLICATIONS**

**14. Kathleen Hay, 69 Beach Road (905-012-02-032)** Applicant requests variance from §197-35 A to legalize a patio at-grade constructed in the side yard, where prohibited, and also from §197-35 E(1) as the patio at-grade setback is 9.4 feet where a minimum of 10 feet is required, in conjunction with the construction of an inground swimming pool where relief was granted by the ZBA for the pool with a smaller patio on May 20, 2021.

**15. John Regler, 71 Lilac Road (905-005-01-009)** Applicant requests variances from §197-7 C to construct a two-story addition with a resultant building area coverage of 23.6% of the total lot area where the maximum permitted is 20%, from §197-7 D for proposed front yard setback of 20.3 feet where the minimum required is 50 feet, and also from §197-7 D for proposed side yard setbacks of 11.8 & 13.6 feet where the minimum required is 20 feet, with proposed combined side yard of 25.4 feet where the minimum required is 50 feet.

**16. Pine West LLC, 451 Dune Road (905-017-05-002)** Applicant requests variance from §74-5 C(2) for proposed dwelling within the Coastal Erosion Hazard Area (CEHA) where construction of nonmovable structures within the CEHA is prohibited, from §197-8 D for proposed front yard setback of 50.2 feet where the minimum required is 75 feet, also from §197-8 D for proposed side yard setbacks of 18.3 & 19.7 feet where the minimum required is 20 feet, with a proposed combined side yard setback of 38 feet where the minimum required is 50 feet, also from §197-8 D for proposed rear yard setback to crest of dune of 50.3 feet where the minimum required is 75 feet, from §197-35 C for a proposed front deck side setback of 18.3 feet where the minimum required is 20 feet, also from §197-35 C for proposed rear deck side setback is 19.2 feet where the minimum required is 20 feet, and with a rear setback (to crest of dune) of 51.1 feet where the minimum required is 75 feet, and lastly from §197-35 C for proposed pool rear setback (to crest of dune) or 55.5 feet where the minimum required is 75 feet.

**17. 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.

**18. Craig & Jaclyn Mischler, 108 Seafield Lane (905-015-04-024)** Applicant requests variances from §197-6 C to construct a dwelling & accessory structures with a proposed building area lot coverage of 23.5% of the lot where the maximum permitted is 20%, from §197-6 D for proposed front yard setback (corner lot) of 28.7 feet where the minimum required is 50 feet, and also from §197-6 D for proposed side yard setback of 25.6 feet where the minimum required is 30 feet.

Dated: November 13, 2023