

ZONING BOARD OF APPEALS AGENDA
Thursday, May 21, 2020, 5:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

****The May 21, 2020 Meeting will be held via teleconference please check the Village of Westhampton Beach website (www.westhamptonbeach.org) for log in instructions. If you have any questions, please email the Board Secretary, Maeghan Mackie mmackie@westhamptonbeach.org**

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON **MAY 21, 2020 for the June 18, 2020** MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON May 14, 2020 THE APPLICATION WILL BE DENIED WITHOUT PREJUDICE. APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE MEETING OR THE CASE MAY NOT BE HEARD AT THE BOARD'S DISCRETION.

MINUTES TO BE APPROVED

April 16, 2020

DECISIONS:

1. Crampton Society LLC, 119 Dune Road (905-021-03-008) Applicant seeks an interpretation that the Building Inspector erred in his determination that the dwelling is located within the primary dune area where restorations are prohibited and that the dwelling is located within the secondary dune area where there is no prohibition of engaging in a restoration. In lieu of a favorable determination by the Board, the applicant requests variances from §74-8 A(8) for proposed additions and alterations that represent a restoration (exceeding 50% of the full replacement cost of the existing dwelling) within a Coastal Erosion Hazard Area primary dune area where prohibited. Irrespective of the above item, the applicant also requests variances from §197-5 A(1) for proposed additions within a required yard (within 75' of the crest of dune/rear property line) where conformity is required for additions, from §197-8 E(1)(b) for a proposed roof ridge height of 49.65 feet above sea level where the maximum permitted is 44 feet above sea level, from §197-34 G for a proposed dwelling floor area of 6,907 square feet where the maximum permitted is 6,000 square feet, and from §197-35 C for a proposed deck that extends 5 feet past the crest of the dune (rear property line) where the minimum setback required is 75 feet.

2. James Traynor, 91 Old Riverhead Road (905-2-1-7.02) Applicant requests variances from §197-5 A(1) for proposed conversion of a nonconforming building (substandard side yard setback of 7.8' & front yard setback of 22.7') for Contractors' Administrative Office Use where conformity is required for alteration, from §197 Attachment 2 for proposed side yard setback of the "Office 2" building of 20 feet and a combined side yard is 89.9 feet where the minimum required is 50 & 100 feet respectively, and also from §197 Attachment 2 for proposed side yard setback of the "Special Trade" building of 26 feet and a combined side yard of 89.1 feet where the minimum required is 50' & 100' respectively.

3. Gerard & Suzanne Reda, 104 Oneck Lane (905-008-01-024) Applicant requests variances from §197-1 for proposed bathroom within a detached building/structure of 680 square feet (340 SF each floor) where the maximum allowable detached building/structure with plumbing facilities is 200 square feet, from §197-5 A(1) to for a proposed addition to a detached garage in a nonconforming location where additions to nonconforming buildings must be in conformance with current zoning regulations (setback of 2.5' where 20' is required), from §197-7 A for proposed habitable space in a detached building/structure other than a cabana or accessory apartment where such finished habitable space is deemed not to be a normal accessory use to the principal single-family dwelling use, and from §197-75 for proposed modification to roofed-over patio structure where further modifications are in violation of condition 1 of previous Zoning Board of Appeals determination, D16026 dated December 15, 2016.

4. Michael & Karoline Kelsen, 72 Beach Lane (905-015-03-004.06) Applicant requests a variance from §197-5 A(1) to create additional habitable space within previously unfinished attic space on a preexisting nonconforming finished third-story of a single-family dwelling, representing an increase in degree of nonconformity where §197-6 E limits single-family dwellings to two stories.

5. Brennan & Sadie Diaz, 7 Bayfield Lane (905-10-4-41) Applicant requests variances and/or interpretation that such variances are not required from §197-5 A(1) to legalize conversion of a detached garage to a recreation room where the building is considered nonconforming as it is attached to an apartment, and from §197-6 A(2) where converted recreation room use in an out-building is deemed not to be normal and accessory to the principal single-family dwelling use.

NEW APPLICATIONS

6. Michael & Karoline Kelsen, 72 Beach Lane (905-015-03-004.06) Applicant seeks an interpretation that the Building Inspector erred in his determination that the subject detached building with preexisting apartment is a nonconforming building and that the proposed game room over garage should be deemed an accessory use to the single-family dwelling principal use. In lieu of a favorable determination from the Board, applicant requests a variance from §197-6 A(2) for proposed habitable space (game room over garage) in detached structures deemed not to be normal and accessory to principal single-family dwelling use, and from §197-29 C(1) for proposed reconstruction and additions to a detached building with preexisting nonconforming apartment where a permit from the Zoning Board of Appeals is required for reconstruction of building with nonconforming use, and irrespective of interpretation, the applicant also seeks a variance from §197-1 for a proposed half-bathroom within accessory building (game room over garage) where plumbing facilities are not permitted in detached buildings other than cabanas/accessory apartments

7. Beth D'Alessio, 3 Liggon Lane (905-003-01-060.01) Applicant requests variances from §197-5 A(1) for a proposed addition within required front (25.6' proposed, 40' required) & side yard (10.7' proposed, 15' required) setbacks where conformity is required for additions to nonconforming buildings, from §197-9 C for a proposed building area coverage of 23.8% of the lot area where the maximum permitted is 20%, and from §197-9 D for proposed side yard setbacks of 10.7 & 13.8 feet where the minimum required is 15 feet with a proposed combined side yard of 24.5 feet where the minimum required is 40 feet, and also from §197-9 D for a proposed rear yard setback or 37.1 feet where the minimum required is 40 feet.

8. Clint & Elisa Greenbaum, 61 Seafield Lane (905-005-03-011) Applicant requests variances from §197-5 A(1) for proposed additions that increase floor area within a required yard of a dwelling / accessory building with preexisting nonconforming setbacks to the rear property line where conformity is required for additions to preexisting nonconforming buildings (9.1' proposed, 50' required), and from §197-6 D for a proposed addition connecting principal dwelling & detached accessory building resulting in a principal rear yard setback of 8.1 feet where the minimum required is 50 feet.

Dated: April 29, 2020