

ZONING BOARD OF APPEALS AGENDA
Thursday, January 17, 2019 5:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

ALL NEW INFORMATION MUST BE SUBMITTED BEFORE 3 P.M. ON **JANUARY 18, 2018** for the **FEBRUARY 21, 2019**, MEETING. IF THE BOARD RECEIVES NO NEW INFORMATION OR REASON FOR ADJOURNMENT BY LETTER BY 3 P.M. ON **JANUARY 10, 2019**, 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

December 20, 2018

DECISIONS:

1. Schlüsselberg, 24 East Division Street (905-10-7-30) Applicant requests a variance to construct a new single-family dwelling with swimming pool, decks and septic system. The property is located in the R-1 Zoning District and requires the following variances:

The dwelling is proposed 20' from the North property line when Chapter 197-6. D. prohibits side yards less than 30'.

Fill for the septic system is being proposed 5' from the North and West property line when Chapter 197-27. C. prohibits fill less than 10' from any property line.

A portion of the swimming pool is not located in the rear yard as required by Chapter 197-35. A. of the Village Code.

2. LaCoquille of Westhampton Beach, Inc., 285 Dune Road, Westhampton Beach (905-19-4-5) Applicant requests a Special Use Permit from the Board of Zoning Appeals to replace 44 Sliding Glass Doors and 60 Windows at a 46 Unit Multifamily Cooperative which is a Non-Conforming Use located in the R-3 Zoning District. The Special Permit is requested as provided for in Chapter 197-5 and 197-29.C. of the Village Code.

3. Richard Baumer and Stacy Baumer, 166 Beach Lane, Westhampton Beach (905-15-5-11.3) Applicant requests a variance to construct a garage addition to the North side of the existing dwelling with a minimum side yard setback of 20' and a total side yard setback of 45.7' when Chapter 197.6.D. of the Village Code requires a minimum setback of 30' with a total side yard setback of 70'. The property is located in the R-1 Zoning District and the Flood Plain area.

HOLDOVERS:

4. 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.

5. Brendan Brogan, 213 Dune Road (905-20-2-5) Applicant requests a variance to demolish existing structures and construct a new single-family dwelling, decks, swimming pool and septic system. The property is located in the B-3 Zoning District.

The application shows decks on the East and West side of the dwelling and not in the front or rear yards as required by Chapter 197-35. B. (1) of the Village Code.

Accessory structure decks and spa on the East side of the dwelling are located 8.7’ from the property line when Chapter 197-35. C. of the Village Code requires 20’.

Accessory structure decks on the West side of the dwelling are located 17.9’ from the property line when Chapter 197-35. C. of the Village Code requires 20’.

The dwelling has a minimum side yard setback of 16.4’ on the East side and a total side yard of 38.3’ when Chapter 197-8. D. requires 20’ and 50’ respectively.

Accessory structure decks on the South side of the dwelling are located 30.2’ from the Crest of the Dune when Chapter 197-35. C. of the Village Code requires 75’.

The swimming pool is located 17.7’ from the East property line when chapter 197-35.C. of the Village Code requires 20’.

The applicant proposes a rear yard setback to the Crest of the Dune of 34.2’ when Chapter 197-8. D. requires 75’ minimum.

The applicant proposes lot coverage of 39.2% when Chapter 197-8. C. allows a maximum of 20%.

The applicant proposes to place fill 5’ from the property line on the North and East side of the property when Chapter 197-27. D. prohibits fill less than 10’ from the property line.

The dwelling is being constructed within the Coastal Erosion Hazard Area when Chapter 74-8. C. (Coastal Erosion Management) of the Village Code prohibits new construction within the dune area.

6. Garg, 136 Beach Lane, Westhampton Beach (905-15-5-11.4) Applicant requests variances to construct a garage addition to an existing single-family dwelling. The garage addition is located 21.2' from the North side yard and the total side yard is 50.8' When Chapter 197-6.D. requires 30' and 70' respectively. The proposed lot coverage is 27.27' when Chapter 197-63.P. allows a 25% maximum for a lot with an approved tennis court. The property is located in the R-1 Zoning District.

7. Andrew Armando Lago and Mary Connolly Lago, 36 Harbor Road, Westhampton Beach (905-17-3-34) Applicant requests variances to construct a new dwelling with septic system. The fill for the septic system is located 1' from the North and West property line in violation of Chapter 197-27.D. of the Village Code which requires a minimum setback of 10'. The property is located in the R-5 Zoning District.

NEW APPLICATIONS

8. Donna McDonough, 24 Point Road, Westhampton Beach (905-17-3-25) Applicant requests variances to bring in fill 5' from the North, East and South lot line when Chapter 197-27.D. of the Village Code requires a minimum of 10' setback. The applicant also proposes a deck in the required front yard in violation of Chapter 197-35.C. of the Village Code which requires accessory structures in the rear yard only. The property is located in the R-5 Zoning District and the Flood Plain.

9. Daniel Bernstein and Vivian Bernstein, 37 Exchange Place, Westhampton Beach (905-15-5-28.3) Applicant requests variances to reconstruct a tennis court 3.9' and 14.8' from the North and East property line when Chapter 197-35.C. requires the accessory structure to be a minimum of 20' from the property line. Applicant also requests a variance to reconstruct the tennis court out of Asphalt in violation of Chapter 197-63.P. (6) of the Village Code which prohibits asphalt courts. The property is located in the R-1 Zoning District and the Flood Zone.

10. 123 Dune Road, LLC., 123 Dune Road, Westhampton Beach (905-21-3-7) Applicant requests a variance to reconstruct an existing swimming pool, patio and entrance stair with a lot coverage of 30.8% when Chapter 197-8.C. and Chapter 197-63.P. prohibits a lot coverage of greater than 25%. The property is located in the R-3 Zoning District and Flood Zone.

Dated: December 21, 2018