

ZONING BOARD OF APPEALS AGENDA
Thursday, July 16, 2020, 5:00 P.M.
MUNICIPAL BUILDING, 165 MILL ROAD, WESTHAMPTON BEACH

****The July 16, 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**

MINUTES TO BE APPROVED

May 21, 2020
June 18, 2020

DECISIONS:

- 1. 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.

- 2. Brennan & Sadie Diaz, 7 Bayfield Lane (905-010-04-041)** 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, 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, from §197-29 C(1) & §197-29 C(2)(c) where such conversion represents a non-permitted increase in floor area devoted to the nonconforming use of a second dwelling in a residential district, and applicant requests a permit from the Zoning Board of Appeals in accordance with §197-29 C(1) to legalize such alterations to a nonconforming use.

HOLDOVERS:

- 3. 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.

4. Mathew & Deborah Vivek, 206 Main Street (905-013-02-020.06) Applicant requests variances from §197-43 A(1) to erect a driveway gate (fence) in the front yard that is 7 feet in height, where the maximum permitted is 4 feet, from §197-43 A(3) for proposed driveway posts/pillars that are 7 feet in height where the maximum permitted is 6 feet, from §197-43 A(7) for proposed driveway posts/pillars that are 1 feet from the lot line where the minimum required setback is 3 feet, and from §197-43 A(8) for proposed driveway gates 1 feet from the street line where the minimum required setback is 20 feet.

NEW APPLICATIONS:

5. John & Nadine Rote, 79 Oneck Road, (905-010-01-027) Applicant requests variance from §197-35 A to construct a cabana with roofed-over patio that is partially located within the side yard where accessory structures are prohibited.

6. Renato Negrin, 257 Oneck Lane (905-009-02-019.03) Applicant requests variances from §197-6 D to construct two one-story additions with proposed front yard setbacks of 39.5 & 47.2 feet where the minimum required is 50 feet, and from §197-35 A to legalize a shed constructed without permit in a front yard where accessory structures are not permitted.

7. Kevin Butler, 104 Main Street (905-012-04-032) Applicant requests variance from §197-17.1 to in conjunction with a two-lot minor subdivision application where “Lot 2” has a proposed width of 56.44 feet where the minimum required is 60 feet.

REQUEST FOR EXTENSION:

8. Brendan Brogan, 213 Dune Road (905-20-2-5) Applicant requests an extension of their Board of Zoning Appeals determination dated April 18, 2019 which expired on May 21, 2020. Applicant would like an extension up to and including November 21, 2020 as the project was put on hold due to the COVID-19 Pandemic and NYS Pause Order.

9. Shane Peros, 222 Oneck Lane (905-10-1-2) Applicant requests an extension of their Board of Zoning Appeals determination dated December 19, 2019 which expired on June 19, 2020. Applicant would like an extension up to and including December 19, 2020, as the project was put on hold due to the COVID-19 Pandemic and NYS Pause Order.

Dated: July 6, 2020