

Minutes of Meeting of the Zoning Board of Appeals
Village of West Hampton Dunes
914 Dune Road – July 26, 2014

Present: Zoning Board Chairman, Harvey Gessin, Zoning Board Members, Joseph Mizzi, Eric Saretsky, Barry Goldfeder, Jim Cashin, Zoning Clerk, Laura Dalessandro, Village Attorney, Joe Prokop, Commissioner of Wildlife Protection, Aram Terchunian.

Chairman Gessin: Meeting called to order: 10:07 a.m.-
Pledge of Allegiance

- Zoning hearing is pursuant to public notice published in SH Press on July 9, 2014.

Follow-Up Application:

1. Goldstein, Ellen & David, (SCTM#0907-01-01-55) 878 Dune Road, West Hampton Dunes, NY. Required landscaping compliance in front of house around sanitary system pursuant variance decision dated July 7, 2012.

- Motion to approve the amendment to the zoning decision of July 7, 2012 as follows: Changing stack block to stucco on the road side & west side, 1 inch wide wood panel on driveway section (east side). Plantings Sea Foam Juniper or equivalent, 3 foot on center, adding drip irrigation & maintained in perpetuity. Certificate of Occupancy to be issued upon completion and inspection.

Motion by: Chairman, Harvey Gessin
Seconded: Eric Saretsky
All in favor: Unanimous
All opposed: None

New Applications:

1. Panayis, Gregory, (SCTM#0907-2-2-35) 782 Dune Road, West Hampton Dunes, NY. Applicant is requesting relief to subdivide said property into two separate lots, with Lot 1 having a total area of 26,399 square feet and lot 2 having a total area of 40,000 square feet. The premises is a 66,399 square foot lot presently improved with a single family residence, which is conforming use in the Village of West Hampton Dunes.

- In order to accomplish the above, the applicant needs relief from the following code sections of the zoning code:

- a. Sec. 330-11 Lot Area – The lots created as a result of this proposed subdivision will be 26,399 sq. ft. (lot 1) and 40,000 sq. ft. (Lot 2), respectively. This section of the zoning code, however, requires each lot to be 40,000 sq. ft. in size, therefore a variance is required for Lot 1.

- b. Sec 330-11 Lot Width – The lots created as a result of this proposed subdivision will be 90 feet and 105 feet in width, respectively. This section of the zoning code, however, requires each lot to be 150 feet in width. Therefore a variance is required for both lots 1 and 2.
- c. Sec. 330-82 Street Frontage – The lots created as a result of this proposed subdivision will have street frontage of 90’ (Lot 1) and 15’ (Lot 2, flagpole lot), respectively. This section of the zoning code, however, requires a minimum road frontage of 40’, and in the case of a flagpole lot, the minimum road frontage at the street line shall be at least 20’. Therefore, a variance is required for the flagpole lot, Lot 2.
- d. Sec. 330-11 Single and Total Side Yard Setback – As a result of the proposed subdivision, Lot 1 will have a single side yard setback of 14.2’ on one side and 12.9’ on the other side, for a total of 27.1’ This section of the zoning code, however, requires a minimum single side yard of 20’ and total side yard of 60’. Therefore, a variance is required for Lot 1 for both single side yard setbacks and total side yard setback.

- The application was sent to the Suffolk County Planning Department, as required. The response was that it is considered to be a matter for local determination with two comments as follows: (1) Article 6 of the Suffolk County Department of Health Services Sanitary Code for the Ground Management Zone in which the subject premises is located in should be complied with. (2) There is a discrepancy between the proposed subdivision map and the tax map. According to the latest Suffolk County Tax Map, proposed Lot 2 is situated on lands associated with Moriches Bay and owned by the Town of Southampton. These are comments, not conditions.

- Attorney, James Hulme, for applicant, Greg Panayis, presents the application to the Board.
- Attorney, Joseph Prokop, stated that the hearing for this application needs to be left open and will need to be re-advertised for next Zoning Board meeting. The notice will need to include all of the variances requested not just the sub-division requested. Complete notice was not published for this hearing.
- Mr. Hulme continued to explain that lots that are less than 40,000 sq.ft. are very common in the Village.
- Mr. Hulme also references 776 & 772 Dune Road properties that have been previously granted subdivisions in 2006.
- 772 Dune – Board granted a granted a variance of two lots of less than 19,000 square feet.
- 776 Dune – Board granted a granted a variance of two lots of less than 30,000 square feet.
- 774 Dune Road – subdivided in 2005. Had previous Certificate of Occupancies in place for two structures. Two lots one is 40,000 sf other is 21,000 sf 80 feet wide, 15 foot flagpole.
- Chairman Gessin clarifies that he is the owner of 772 Dune Road and

that the subdivision granted on that lot was approved in 2006 prior to him becoming a Zoning Board Member. Mr. Gessin became a board member in 2008.

- The lots that were created as a result of the previous subdivisions were smaller and had a requirement of 25% open space on the north side of the property. The Board also restricted size and location of each dwelling on each property.

- Chairman Gessin suggested to Mr. Hulme that his client have a site plan prepared describing what will be developed on the property and have the property flagged for wetlands.

- Radius Map of the area
- Public Comments – None

- For next Zoning Board hearing on this application the following is required:

1. Re-advertisement
2. Modify the table to show the front yard as Moriches Bay
3. Neighborhood Analysis – site plan full neighborhood & condensed neighborhood.
4. Applicant to provide a list of any possible variances that this application needs.
5. Applicant to request property to be flagged.

- Attorney Joseph Prokop, suggests that he, Chairman Gessin, and Aram Terchunian schedule a meeting to discuss this application prior to the September 13th meeting, with minutes taken that will then be circulated to the board.

- Motion to adjourn the meeting leaving the application open until the next hearing.

Motion by	Chairman, Harvey Gessin
Seconded	Joseph Mizzi
All in favor	Unanimous
All opposed	None

2. 693 Dune Road, LLC, (SCTM#0907-3-2-36.1,3-2-37.1 & 4-2-1.1)
693 Dune Road, West Hampton Dunes, NY. Applicant is the owner of a parcel of real property located at 693 Dune Road, West Hampton Dunes, NY which is comprised of three merged tax map lots. The premise is located in the R-40 zoning district of the Village. The premises is currently a 38,906 sq. ft. total lot size, and presently improved with a single family residence, which is conforming use in the village of West Hampton Dunes. When the existing structure was built, it was spread across two of the lots, SCTM#907-3-2-36.1 and 907-3-2-36.1, the third lot, SCTM# 907-4-2-1.1 is being incorporated into the current project to allow for the expansion. Applicant wishes to add a two story 1,935 sq. ft addition to the east side of the existing structure.

- The application was sent to the Suffolk County Planning Department, as required. The response was that it is considered to be a matter for local determination.

- The applicant is requesting relief from the following code sections of the zoning code:

- a. Sec. 330-11 Lot Coverage – The lot coverage after the proposed addition will be 22.8%. This section of the zoning code, however, requires that the lot coverage be no greater than 20%.

- b. Sec 330-11 Total Side Yard Setback – As a result of the proposed addition, the total side yard will be 57.2. This section of the zoning code, however, requires a minimum total side yard of 60'. Therefore, a variance is required for total side yard setback.

- Attorney, James Hulme, & Mathew Sharpet of Smiros & Smiros Architects for applicant, 693 Dune Road, LLC, present the application to the Board.

- Mr. Hulme makes a clarification of stair and ramp on east side of Property, it is 8 feet not 12 feet. A setback of 32.5 feet not 29.8 feet that may have been shown on some of the drawings previously submitted. Mr. Hulme submits, for the record, a new packet to the board reflecting same.

- Stairs are for ingress and egress then not included in the side yard setback calculations up to four feet.

- Variance was granted in 1998/98 when house was built across both Lots.

- Smaller size property 54857 sf received a zba approval for current house to be constructed in 98/99 which reflected 11.4% lot coverage. Subsequent to that the states ownership was recorded making the lot coverage 22.7% .

- Only relief granted at the time was the Coastal Erosion Hazard Area. Variance granted allowed for that for the deck.

- 80' off of the northern boundary of the property CEHA. When this house was built, the Army Corps thought the road was 60 feet wide, when it was only 50' wide. The dune was built 5 feet further south.

- There has been a variance previously approved combining 691 & 693 Dune Road allowing the current structure to be built across both lots and a Certificate of Occupancy to be issued for the one family dwelling.

- Applicant is seeking to add a third lot to overall size of the property and make a two story addition as shown on survey that has been submitted to the board.

- As of right can construct a 48 foot wide house, 3 stories tall. Requesting to build 41.6 foot house 3 stories tall.

- 1935 sf footprint if connected to current house, if 3rd lot were to be separate with new house, as of right, owner could build footprint of 2250 sf. Connecting to current house leaves for a wider ocean view.

- ADA – Does applicant have to disclose if structure needs to be built to ADA standards?

- Zoning Board is requesting the following for the next meeting:
 1. Pool deck on west side – what is it?
 2. Clarify – CEHA, Coastal Erosion Hazard Area line & needs to reflect on Survey
 3. Alternate Access Analysis
 4. Property line to end of second floor deck
 5. Provide Elevations of proposed structure, not a footprint

- David Berkowitz, owner of 688 Dune Road, submitted a letter to the Board for the record asking to be considered in making their variance decision.
- Motion to approve the date of next ZBA meeting on September 13, 2014 at 10:00 a.m. at 906 Dune Road:

Motion by	Chairman Gessin
Seconded	Joseph Mizzi
All in favor	Unanimous
All opposed	None
- Motion to adjourn meeting for all purposes:

Motion by	Chairman Gessin
Seconded	Joseph Mizzi
All in favor	Unanimous
All opposed	None