

March 18, 2024.

Village of West Hampton Dunes  
Zoning Board of Appeals

Dear Mayor Vegliante, Planning Board and Board of Trustees:

The circulated agenda for the upcoming Trustees' Meeting includes an application relative to the 738/742 properties as an item for discussion. The West Hampton Dunes Zoning Board of Appeals ("ZBA") requests that the 2nd "staggered" application for 738/742 Dune Rd, as submitted to the Planning Board, be formally rejected and closed for the reasons Counsel can further explain if needed.

If the applicant and/or Board of Trustees wish to revert to the original application, we request that time be given to the ZBA and their Counsel to issue an accurate written decision. The final written version of the decision has not yet been issued by the ZBA because the applicant on more than one occasion directed the ZBA to stop our work on the original application.

The ZBA cautions the Trustees that the site plan from the original application that is before the Board of Trustees does not indicate the setbacks that were applied for or approved by the ZBA, and does not indicate the presence or location of the dwelling that is currently existing on the property, approximately on or near the boundary of the proposed lots A and B. A proper site plan was required and should be provided by the applicant to avoid any discrepancies or future confusion on this application.

With regard to that original decision, the following are the variances that were applied for and voted on at the November 18, 2023 meeting of the ZBA. These variances received a positive vote of the ZBA on November 18, 2024, subject to the adoption of a written decision.

1. Lot A with an area of 42,562.70 square feet and a lot width of 79.32 feet requiring a lot width variance of 70.68 feet, and total side yards of 32 feet, where 60 feet is required (total side yard variance of 28 feet), and a minimum side yard of 13 feet, where 20 feet is required (total side yard variance of 7 feet); and
2. Lot B with an area of 45,042.10 square feet and a lot width of 79.33 feet requiring a lot width variance of 70.67 feet and total side yards of 32 feet, where 60 feet is required (total side yard variance of 28 feet), and a minimum side year of 13 feet, where 20 feet is required (minimum side yard variance of 7 feet); and
3. Lot C with an area of 46,765.40 square feet and a lot width of 79.33 feet requiring a lot width variance of 70.67 feet and total side yards of 32 feet, where 60 feet is required (total side yard variance of 28 feet) and a minimum side yard of 13 feet, where 20 feet is required (minimum side yard variance of 7 feet).

Once the ZBA issues a written decision, this matter can properly be brought before the Planning Board/Board of Trustees for a vote on the original Subdivision. Please understand that this process took almost two years of work by the ZBA. In addition, the application for this property has the close attention of the residents. The ZBA wants to ensure that the final decision is accurate and appropriate.

There are several requirements that have been agreed upon with respect to this application as follows:

- No further sub-division for any of the (3) lots.
- The 4/10's rule shall apply to the side yards, as was required in the decision on the Skudrna subdivision (to the West of this property). The R-40 zoning requires total side yards of 60 feet and a minimum side yard of 20 feet, none of which is reflected in the applicant's current version of the plan. Note that the ZBA has agreed with side yard setback variances (so the side yards will be similar to a 40% rule), but the written decision containing those descriptions must be adopted by the ZBA.
- The southern face of the principal structures and accessory structures shall be located at least 70 feet from the north side of the Dune Road public right of way.
- Mechanical equipment shall not be located on the eastern side of the home to be built on the easterly lot nor on the western side of the home to be built on the western lot on the existing neighbor's side yards and not on the Dune Road side of the structures.
- Septic systems shall be as per our original comments.
- No variance is granted for the location or use of the "Bunny Hutch" structure which the applicant has not indicated on the plans. The structure if remaining shall be converted to an accessory structure prior to the issuance of a building permit for any lot on which it is located and shall be located where compliant with the requirements of the Village Code and setbacks and only used for an allowable accessory use. If removed from the property it shall be offered first to the Village, 2nd to a 501C charity, and 3rd to be disposed of by applicant. Any costs to relocate the structure for the first two options shall be paid by applicant up to \$7,500.
- No accessory structures, including the "Bunny Hutch", shall be allowed on the subdivision that do not comply with the current WHD's code including use and setbacks.
- The owners shall dedicate a 32,000+/- square foot no disturbance area across the northern area of the properties as reflected in the site plan dated June 8, 2023. The only allowed disturbance shall be the installation and maintenance of one above ground walkway for each of the two properties that do not currently have walks, the non-disturbance area shall be dedicated by a recorded covenant approved by the Counsel for the ZBA and recorded at the applicants' expense.

- Construction during the Memorial Day to Labor Day period would be limited to weekdays as per the Village code.
- No pile driving from Memorial Day to Labor Day.
- We need an accurate plan from the applicant that properly indicates the existing Bunny Hutch and correct side yards.
- The total north south length of the principal structure of each of the homes shall not exceed 67.3 feet.
- The total area of the portion of the lot to be developed will not exceed 20% lot coverage and all development will be contained within the envelopes labeled “reduced principal building envelope” and described as 7,770.8 square feet for lot A, 6,879.8 square feet for lot B, and 5,900 square feet for lot C.
- Lighting and landscape plans must be submitted to and approved by the Board of Trustees.

The conditions of an approval must be reflected in a recorded covenant with the cost of the drafting and recording to be paid by the owners/applicants. The covenant shall be recorded to the satisfaction of the Village Attorney prior to the filing of the subdivision map.

Conditions of the site plan dated and last updated June 18, 2023 are not reflected in this plan.

Please understand this correspondence is for informational purposes only, does not constitute a decision and is not binding on the ZBA.

We request that the Trustees/Planning board postpone any vote until the ZBA issues a written decision on this application. The pending final ZBA decision will accurately describe the requirements as previously agreed to by the ZBA, the applicant and the residents, at the November 18, 2023 hearing.

Please read and enter this letter into the record of the March 19, 2024 general meeting.

Respectfully,

Eric Saretsky, Chairman,  
The Village of West Hampton Dunes  
Zoning Board of Appeals