

**ZONING BOARD OF APPEALS  
SATURDAY, JANUARY 21, 2012  
3:00 P.M.**

**Present:** Acting Chairman T. David Mullen, Charles Mott, Alexander Ames, Robert Treuhold, Alternate Brendan Ryan, and Village Attorney Richard DePetris

**Absent:** Chairman Ogden Lewis

Acting Chairman, T. David Mullen brought the meeting to order. Before starting with the afternoon's agenda the board had some decisions to approve.

1) First was the decision involving the application of **New Life Development Corp.**

**DECISION: MR. MULLEN MOVED THAT THE BOARD ADOPT THE NEW LIFE DEVELOPMENT CORP. DECISION PRESENTED TO THE MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) Next was the decision involving **Nancy Cohen and William Cataldo.**

**DECISION: MR. MULLEN MOVED THAT THE BOARD ADOPT THE COHEN/CATALDO DECISION PRESENTED TO THE MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the decision involving the application of **David and Willa Fawer.**

**DECISION: MR. MULLEN MOVED THAT THE BOARD ADOPT THE FAWER DECISION PRESENTED TO THE MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the decision involving the application of **Quogue Triangle LLC.**

**DECISION: MR. MULLEN MOVED THAT THE BOARD ADOPT THE QUOGUE TRIANGLE LLC. DECISION PRESENTED TO THE MEETING. MR.**

**MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next, the board made 2 corrections to the minutes of the December 10, 2011 meeting. On page 1, in reference to the **Quogue Beach Club** application, the minutes made reference in 2 places, to a “written decision” which should have been referred to as a “written resolution”. Also, on the bottom of page 5, the **Frey/McLaughlin** decision refers to a “September 10, 2011 hearing” and it should read instead, “December 10, 2011 hearing”.

**DECISION: MR. MULLEN MOVED THAT THE AFORE MENTIONED CORRECTIONS BE ACCEPTED INTO THE RECORD. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

6) Next, Mr. Mullen explained that the board had received a request for an adjournment in reference to the application of **Frank Corvino**.

**DECISION: MR. MULLEN MOVED TO ADJOURN THE CORVINO APPLICATION TO THE NEXT MEETING. MR. TREUHOLD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

7) Next was the application of **Donna J. Astion and Michael D. Fricklas** for a gross floor area variance to 5,513 square feet, a rear yard/water setback variance to 47.7 feet, a height variance to 25’ 4” within the required rear yard and a lot coverage variance to 27% in order to permit proposed second story addition (together with proposed access addition) to existing house. Premises are known as **18 Beach Lane. TM #902-14-1-9**

Realtor **Sandy Carbone** was present for the applicants. He explained that because his client’s family was expanding, they were proposing to add 700 SF. above the garage. They wanted to increase their living area without going outside the building envelope, or changing the footprint of the structure. They felt they could find no other place to add any square footage to their home. The addition would not be on top of a detached garage, as the subject garage is attached to their house. His clients would need a height variance because the existing garage is 16 feet high, and with the proposed addition, the garage would end up 24 feet high. Mr. Carbone submitted plans and showed the board that the second story over the garage was attached by one wall to heated living space of house, and there was no exterior access to the second story over the garage. He also showed them that the main access to the addition over the garage would be through the interior, second story of the house. He explained that the addition would be used as a family room and possibly a bedroom for the parents. Mr. Carbone said that Mrs. Hoagarton, the neighbor to the north, was going to write a letter in favor of the application, but because of circumstances, had not been able to do so. He did submit a document showing that Mrs. Hoagarton gave her permission to the DEC to go on her property in reference to Mr. Carbone’s clients. Because Mr. Carbone’s clients were presently 600 SF. over the gross floor area before requesting their variances, the board wanted to see data showing gross

floor area of existing houses in the surrounding neighborhood. The finished addition would be 1,300 SF. over the allowable gross floor area. Mr. Carbone explained that his clients were not over the allowable gross area square footage until a change was made in the code. He was agreeable to bringing in the necessary data.

**DECISION: MR. MULLEN MOVED THAT THE ASTION/FRICKLAS APPLICATION BE ADJOURNED TO THE NEXT MEETING FOR ADDITIONAL INFORMATION. MR. TREUHOLD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

8) Next, was the holdover application of **Sullivan Realty LLC.** for a variance in order to permit proposed enlargement of a house on property containing 4 dwelling units, a side yard variance to 4 feet for the proposed addition to such house, a side yard variance to 18 feet for the proposed deck, and a variance from off-street parking requirements in order to permit the proposed enlargement. Premises are known as **130 Jessup Avenue. TM #902-8-1-7.1**

**Robert Sullivan**, the property owner, came forward as the applicant. The board wanted to know why he needed relief for the proposed new deck since there was already an existing deck. Mr. Sullivan explained that the new deck was for aesthetic purposes. The existing deck shown on the survey would be remaining. In reference to repairs, Mr. Sullivan indicated they would be removing the old siding and any wood rot, and replacing them with new shingles. On the side of the extension, there would be a new foundation. The board wanted him to understand that all the apartments in his commercial buildings were nonconforming and there was no room for any additional living spaces. Mr. Sullivan understood such and indicated that there would be no additional apartments or living areas added to his property in the future. The board wanted to know if Mr. Sullivan would be willing to give up his request for the new deck since he could not show any reason for relief except aesthetics. Mr. Sullivan agreed that since the new deck was for aesthetic purposes the other alternative would be to shrink the existing deck, and he agreed to do just that, while giving up his request for the new deck. He also explained that in the event that his son moved out of the cottage he would want to rent it to someone else, therefore he would not be willing to covenant renting the cottage only to family members.

**DECISION: AT THE HEARING TODAY APPLICANT HAS OFFERED TO MODIFY THE REQUEST RELATING TO THE PROPOSED DECK BY AGREEING TO A CONDITION THAT THE EXISTING DECK WILL BE REDUCED IN SIZE EQUIVALENT TO THE SIZE OF THE NEW DECK WHICH IS APPROXIMATELY 108 SF. THEREFORE BASED UPON THE FACT THAT THE SUBJECT PARCEL IS IN A BUSINESS DISTRICT AND UPON ALL OF THE INFORMATION PRESENTED IN SUPPORT OF THIS APPLICATION, WE FIND THAT THE REQUESTED VARIANCES ARE WARRANTED AND WE GRANT THE REQUESTED VARIANCES SUBJECT TO A CONDITION THAT THE EXISTING DECK SHALL BE REDUCED IN SIZE BY A REDUCTION**

**EQUIVALENT TO THE SIZE OF THE NEW DECK WHICH IS ABOUT 108 SF. MR. MULLEN SO MOVED. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

9) Attorney **Kittric Motz** came forward to ask the board a few questions on behalf her clients, the **Fawers**. She showed the board a new survey displaying their proposed new plan for relocation of the A/C equipment on the Fawers property. The new plans proposed that the swimming pool equipment be relocated to the Qauquanantuck Lane side of the pool area. The board explained that if that was the case, they would have to make a new application for the positioning of the swimming pool equipment as it appeared to have been moved to a nonconforming location. Attorney Motz agreed they would come back with a new application.

The meeting was adjourned.

Respectfully submitted by: Nicki Daniels File date: 1/27/12