

**ZONING BOARD OF APPEALS
SATURDAY, MAY 26, 2012
3:00 P.M.**

Present: Chairman Ogden Lewis, T. David Mullen, Charles Mott, Alexander Ames, Alternate Brendan Ryan, and Village Attorney Richard DePetris

1) Chairman Lewis brought the meeting to order and informed the audience that the next meeting would be on **Friday evening, June 29, 2012 at 7:30 PM**. He explained that the April Zoning Board meeting had been professionally transcribed and a copy would be entered into the record.

DECISION: MR. LEWIS MOVED TO ENTER THE MINUTES OF THE APRIL 28, 2012 MEETING INTO THE RECORD. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter for discussion was the holdover application of **Steven Weiner**, from a determination of the Building Inspector that certain plan revisions require variances. Applicant requests that determination of the building inspector be reversed or in the alternative that variances be granted in order to permit such plan revisions. Premises are known as **38 Beach Lane. TM #902-14-1-1**

Attorney **Kittric Motz** was present for the applicant and wanted to request an adjournment since she was the new counsel of record, and needed time to get a total understanding of the application. She submitted a letter from the architect to the board, regarding cubic volume calculations, as well as a full panorama and some photos of the structure. She also reported that she had had a discussion with the chairman of the Design Review Board to find out what their concerns were and create solutions for their concerns. She had also opened an email exchange with David Marr and was in contact with other neighbors and assured the board that she was working hard to find out all the issues and see what, if anything could be done to accommodate all concerned. The board wanted to receive some certification in writing, of the height from the road. Mrs. Motz said she would get the base elevation from Beach Lane and confirmation of the height calculations shown on the survey. Mr. Mott asked if it would be possible to see two architectural models, one of what the Board had approved and one of what is actually being constructed. Mr. Mullen requested to see the building plans (to the extent not already submitted) of what was approved and what was being constructed, along with a summary of any difference and any variances requested. Mrs. Motz also mentioned that her client had been considering ultimately making changes to the roof. The board said they were somewhat aware of that and she could include any information to that regard at the next meeting if she felt it necessary at that time. The board requested that Mrs. Motz be able

to encapsulate, pinpoint, and or summarize the issues as best as possible for the next meeting.

DECISION: MR. LEWIS MOVED TO ADJOURN THE WEINER APPLICATION TO THE NEXT MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the holdover application of *The Quogue Club, LLC* for a determination or a variance in order to permit proposed outdoor dining, proposed enclosure of existing covered porch and proposed conversion of existing interior space to exterior porches. Premises are known as **47 Quogue Street. TM #902-7-1-17**

Attorney **Jane Kratz** was present for the applicant. She felt by the end of the meeting, they could close the hearing from the point of view of the applicant. She had reviewed all the opposition letters that had been filed over the past few days and indicated that the only legal point that she had not briefed for the board was whether or not a contract vendee had legal standing to make an application. Village Attorney DePetris explained that she did not need to do a brief, and that a contract vendee did have standing to make an application. For the record, Mrs. Kratz submitted copies of an e-mail exchange from the real estate broker of one of the neighbors regarding a possible offer to sell the neighboring house. (Reference to this exchange had been made at the prior hearing. Mr. Lewis observed that the offer would likely be irrelevant to any decision by the Board.) Mr. Lewis indicated that the board already had the many communications of those who were not in favor of the application so it would not be necessary for them to speak unless they had something new to add. Mr. Coleman came forward to say he wanted to see the information submitted by Ms. Kratz. James Tolan came forward to question whether or not the Mayor should use his office to try to bring about a resolution on the issue. He felt that the concept that seemed to come through in some of the written submissions was that it was inevitable that at some point and time in the future there would be owners that would be able to have outdoor dining and drinking privileges at the Quogue Inn. He felt that any applicant seeking outdoor dining and drinking privileges would first, have to have ownership. Then they should have a history of running the club for a few years to show that they could do so in proper fashion without any improprieties. Then the owner should have to show that some hardship would be visited on the business without receiving permission of having the outdoor dining and drinking. He also felt that there should be a 'sunset' provision saying that consent is allowed only for a limit amount of time, as in one, two or three years, in order to demonstrate the 'club' could be operated in a proper fashion, and then the owner could come back every two or three years and re-apply for continued consent. He felt there would have to be a better sound barrier, as opposed to the proposed one. Finally, if all previous criteria were fulfilled by the owners, then sitting down and explaining the plans with the neighbors who were diametrically opposed, would then probably bring a different response from them.

DECISION: MR. LEWIS MOVED TO ADJOURN THE QUOGUE CLUB LLC APPLICATION TO THE NEXT MEETING FOR A DECISION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

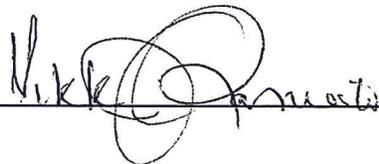
4) Next was the holdover application of **Michael Salvatore** for variance in order to alter and enlarge a nonconforming accessory building and a variance in order to enlarge a nonconforming guest house use (including conversion of garage floor area to guest house living quarters space and additional floor area for guest house living quarters space) as shown on the survey, floor plans and elevation plans filed by applicant. In connection with such alteration and enlargement, applicant also requests a variance from the flood damage prevention requirement (Chapter 95) that a substantial improvement shall have the lowest floor elevated to or above two feet above the base flood elevation. Premises are known as **80 Dune Road. TM #902-12-3-14**

Attorney James Hulme was present for the applicant. He explained that his client was proposing a two-story addition to the existing house, removal of the tennis court while replacing it with a swimming pool, the relocation of the driveway and entryway, and a two-story addition to the guesthouse structure. He was discussing only the guesthouse variances since the other requests in the application did not require variances. The actual proposal was a 12' x 30' addition to the east side of the guesthouse and reconfiguration of the internal space. There would not be any kitchen facilities. The overall change in lot coverage would be lowered from 15% to 12%, because of the removal of the tennis court, and there would be a change in the footprint of the guesthouse from 581 SF. to 946 SF. Although the building would be large, it would be expanded into the property not outward toward any neighbors. Mr. Hulme did not feel the structure was unusual for the village. He did not feel it would create any new use to the property but would allow his client to accommodate his family, with grandchildren, in a better manner. He explained that the neighbor who would be most impacted by the addition had reviewed his client's plans and indicated he had no objections. He did not believe that what was essentially just a continued use would create any adverse impact to the community. Mr. DePetris questioned if Mr. Hulme was aware that his client was proposing to more than triple the size of the living space. Mr. Hulme said he was aware that they were making a large request, but it was necessary as there was no other way to get the additional space they needed. He reiterated that the removal of the tennis court would create a substantial reduction in lot coverage. The board was wondering if the garage was in fact currently being used as a garage. Mr. Hulme was not sure but indicated he would find out and send a memo to the board.

DECISION: MR. LEWIS MOVED TO ADJOURN THE SALVATORE APPLICATION TO THE NEXT MEETING FOR A DECISION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:



File date: 6/5/12