

ZONING BOARD OF APPEALS
FRIDAY, AUGUST 03, 2012
7:30 P.M.

Present: Chairman Ogden Lewis, T. David Mullen, Charles Mott, Robert Treuhold, and Village Attorney Richard DePetris

1) Chairman Lewis brought the meeting to order and informed the audience that the next meeting would be on **Saturday** afternoon, **September, 8, 2012** at 4 PM. He explained that the June Zoning Board meeting had been professionally transcribed and a copy would be entered into the record.

2) The first item for the evening was **Marcus Schilt** of **13 Deer Path (TM #902-4-1-65)** who was requesting an extension of the variance granted on his property in April 2007. Mr. Schilt explained that he submitted plans, surveys, etc and was just looking for an extension on his variance. He indicated that he planned to go ahead with his project. Mr. Lewis explained that the board usually grants extensions for 2 years and that if he (Mr. Schilt) was not finished with his project in the allotted time, he would have to come back to the board again. **Mr. Lewis wanted it noted in the record that the extension would be granted for 2 years.**

3) The first item on the evening's agenda was **Gerald S. Schwartz** for a rear yard variance to 57.6 feet from the westerly line in order to permit applicant to elect the westerly line as the rear lot line. Premises are known as **11 Woodland Way. TM #902-3-5-29**

Architect **Diane Herold** was present for the applicant. She explained that when the house was constructed in 1986 the garage was located on the north side of the house, making that side of the property the rear lot line. Now her clients have decided to build a guest bathroom next to their guest bedroom, and that would be connecting the garage and the house. They were requesting to make the west property line the rear lot line. It would require be a minor variance of 12.4 feet which would be considerably less than if they had kept the north property line as the rear lot line. She provided a packet for the board's review with surveys of neighboring properties with similar setbacks. Her packet provided floor plans showing specifically the location of the proposed guest bathroom between the two buildings with an existing roof connecting them. She did not feel there would be any adverse effects on the neighborhood.

DECISION: MR. LEWIS MOVED THAT THE BOARD GRANT THE SCHWARTZ APPLICATION. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **John and Susan Bick** for the following variances: front yard and height within required yard variances for proposed two story addition with a setback of 54.1 feet from Ocean Avenue, for proposed roof extension with a setback of 36.3 feet from Ocean Avenue, for proposed alteration of existing flat roof, and for proposed finished basement if necessary, all relating to the main residence, a front yard variance to 43.9 feet from Ocean Avenue and a lot coverage variance to 25.9% for proposed patio; a variance for proposed alterations to nonconforming guest house (which alterations including raising same by 1.5 feet, installing an unfinished basement and a Bilco door, and other alterations). Premises are known as **87 Quogue Street. TM #902-10-2-33.**

In light of his family association **Mr. Treuhold** wanted to be recused from the decision making process of the Bick application. Mr. Lewis included that he and John Bick were members of the same law firm, and although it was not his intension to recuse himself since that was not a family connection, if anyone wanted him to recuse himself he would but there would no longer be a quorum. No one requested Mr. Lewis' recusal.

Attorney **Kittrick Motz**, representing the Bicks, said that they were fine with the circumstances. Mrs. Motz also had architect **David Stanton** with her. She submitted a collection of drawings to display their project. She explained that the subject property was an undersized corner lot which was the driving force behind most of their requested variances. She explained that their proposed project was largely within the conforming building envelope of their parcel. The existing residence is mostly outside the building envelope. She submitted a packet to the board for them to refer to during her presentation. Ms Motz explained that they needed a variance for a small part of the roofline, 86 SF. that was visible in Exhibit 1 of her packet. The house and cottage were built in the late 1800's and they wanted to keep the historical look. They also wanted to change the flat roof into a sloped roof, to an elevation of 26.51, which would be within the required yard. (More specific information is available in the packet). Part of her application involved the construction of a full basement under the part of the house that now contains a small cellar. It is the portion that is outside of the building envelope. A portion of the basement wall is above grade and she wanted to be sure there would be no problem in the future. (More specific information is contained in the packet). She explained that after the house was raised and put back down, the cellar would be at 2.3 feet above grade which is the existing height now. The basement will be finished but there will be no bedrooms. Also, because of health concerns of the owners, they are interested in installing an elevator, which is why the basement needed to be located in the specific location. On page 8 of the packet, there is more information contained as to why the elevator was necessary.

Attorney Motz explained that in reference to the building envelope for the principle structure they were requesting that because of the 60 foot side yard, the portion of the conforming use patio be permitted to be built within 43.9 feet of Ocean Avenue, requiring a variance of 16.1 feet from the setback. Located on the cottage is the former bike shed and laundry house for the former Gardiner Boarding House. The cottage is at a height of 17.73 feet, built on old locust posts (See exhibits 6 & 7 of the booklet). The owners were proposing to raise the cottage about 1.1/2 feet in order to put in a proper foundation, and include insulation in the roof to facilitate proper climate control. The owners would also like to include geo-thermal heat in the cottage as they wanted to live in the cottage while work was being performed on the main dwelling. They would also include air conditioning. They received a CO on the cottage/guest house in 1993, and were allowed to have guest use of the occupants of the main house, but it could not be rented. Ms. Motz said she would submit a copy of the CO for the record. The cottage/guest house would stay the same footprint, other than the addition of the Bilco door. They do propose an inside staircase in the guest cottage. Ms Motz explained that they also planned to install exterior siding as the siding is rotting away. The board wanted to know why they could not move the cottage to a conforming location. Ms Motz was not sure if the cottage could withstand such a move because of its poor condition. She also indicated that the patio and garage take up the remainder of the room for the conforming location for the cottage.

In reference to lot coverage, her clients were requesting an increase to 25.9%. They want to install a two foot retaining wall and solid patio around the deck. The retaining wall would be two feet above grade. They were fencing in the whole back half of the property, which fence would be code compliant for a swimming pool enclosure, and hidden by privet. They were also proposing to remove the old pool and patio and install a new rectangular pool with an increase of 33 SF. The board wanted information regarding the dimensions of the patio to be submitted.

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

5) Next was the holdover application of **Stephen Weiner**. Attorney Kittrick Motz was present for the applicant, along with **James Zizzi** the Weiner's contractor. In reference to the hurricane shutters, Ms. Motz explained that subject to the shutters having a legend imprinted on them, Mr. Nowak was satisfied that they were code compliant. She wanted the board to understand that nothing covert had taken place in reference to the subject property and there was no attempt to conceal the intentions of the applicant. She explained that her client was willing to forego hurricane shutters around the second story deck, provided he was permitted to construct the second story deck. She requested that that part of the application be withdrawn without prejudice. The board wanted attorney Motz to file more copies of the full set of plans (dated received August 3, 2012) with the village. She had miniature models of the proposed plans available for the board to observe as she made reference during her presentation. She explained that one of the primary reasons for the deck was for egress in case of a fire, although her client would also like

to enjoy it as a deck. After looking at a photo from Mrs. Gross, a neighbor to the subject property, Ms. Motz said her only comment was that the house was actually lower by a tiny bit than it was originally permitted to be and if you compare the north windows in the October plans with the Behringer plans, there was actually very little change in the way they were designed. The board asked attorney Motz to put any corrections she deemed necessary for the minutes of the June meeting along with any request for the board to allow certain construction to proceed while waiting for decision on other aspects of the application, in writing and submit to the board. The board also encouraged Ms Motz to check with the Design Review Board to see if all issues had been resolved in reference to their application.

DECISION: MR. LEWIS MOVED THAT THE WEINER APPLICATION BE ADJOURNED FOR DECISION AT THE NEXT MEETING. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by: _____ File date: _____