

**ZONING BOARD OF APPEALS
SATURDAY, SEPTEMBER 08, 2012
4:00 P.M.**

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

1) Mr. Lewis brought the meeting to order and announced that the next meeting would be on Saturday, October 13, at 4:00 PM. He also explained that the application of **Jessup's Landing Condominium** was withdrawn.

2) Next was the approval of the minutes of the August 3, 2012 meeting.

DECISION: MR. LEWIS MOVED TO APPROVE THE MINUTES OF THE AUGUST 3, 2012 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the holdover application of Steve Weiner of which the board had made a decision to deny the application.

DECISION: MR. LEWIS MOVED TO ADOPT THE WRITTEN DECISION TO DENY THE WEINER APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next, was the approval of the corrections to the transcript of the minutes of the June 29, 2012 meeting as suggested by Attorney Motz.

DECISION: MR. LEWIS MOVED THAT THE BOARD ADOPT INTO THE RECORD THE CORRECTIONS AS WRITTEN BY ATTORNEY MOTZ TO THE JUNE 29, 2012 MEETING TRANSCRIPTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The first new matter on the agenda was the application of **Steven Holley** for a variance in order to enlarge a nonconforming accessory guest house use by converting garage

floor area to guest house living quarter's space so as to increase such space to 686 square feet. Premises are known as **220 Dune Road. TM #902-16-3-22**

Steven Holley's architect, **Maitland Jones**, was present for the discussion. He explained that they were proposing to add a bedroom and a bathroom to their garage, which already had a one bedroom guest unit. They wanted to expand it from 400 SF. to an approximately 700 SF. dwelling. The proposed expansion would be within the garage footprint. The garage currently had two car stalls, but they were proposing to eliminate one stall in order to add the bedroom, and the other stall would be for storage. The purpose of the renovation was to have more room for guests/relatives when they visit. Mr. Jones explained that the C.O. from 1973 identifies the guest house as a nonconforming preexisting 'guest house/garage'. The board noted that there were two Certificates of Occupancy; CO #12 from 1955 and CO #345 from 1973. In the current main dwelling there are 2 bedrooms and a study.

Attorney **Kittric Motz**, representing **Charles Evans, Jr.**, the neighbor immediate to the east of Mr. Holley, came forward. She indicated that in the past, she had also represented Mr. and Mrs. Gruhn who are the neighbors to the west. She explained that the Gruhns had previously submitted a letter saying they had no objections to the application. Her client, Mr. Evans, was concerned about the change in the pitch of the roof. Mr. Jones explained that his client would like to change the roof to wood shingles instead of the existing asphalt/gravel roof, and to do that he proposed a 6+12 pitch roof. The effect would be to raise the ridge 18" on both the house and the guesthouse. Mr. DePetris explained that if they were changing the roof, which would be considered an alteration, it would also require a variance, which they had not included in their application. The board suggested that it would be better if they could see the whole picture of what Mr. Holley wanted to do to the guest house and the main house all in one package. Any alterations to the accessory building, such as alteration of the roof, would need to be included in an application. The board wanted more detail for the next meeting including which walls were remaining and which walls would be removed. Attorney Motz said her client wanted to see a floor plans of what was being proposed and what was existing. Mr. Jones showed her the plans and included that there would be a kitchen in the garage/guest house, as it was already preexisting.

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

6) Next was the application of **Martin Frederic Evans** for minimum and total side yard variances, height variance within a required yard, and a flood damage prevention variance if necessary, in order to permit proposed additions to existing house and proposed elevating of existing house, and for a setback variance to 10.4 feet from the westerly line in order to permit proposed deck. Premises are known as **77 Dune Road. TM #902-13-1-21.3**

Attorney **Robert Kelly**, was present for Mr. Evans. Mr. Lewis read a letter from **John and Wendy Cooney** in support of the Evan's application and indicated that Mr. Kelly could obtain a copy of the letter. Mr. Kelly explained that the application was to add a northerly dormer on the rear of the house and a southerly dormer on the front of the house. The rear dormer would be 15.1 feet from the property line. The southerly or front dormer would be entirely outside the setback requirements. Their lot was 101 feet wide at the road but narrowed down to 38 feet back by the canal. He explained that they do not have space to go elsewhere. His client was requesting FEMA to raise the house 1.1/2 feet to allow repairs to the foundation and run ductwork for utilities under the house. He also explained that the project would be less than 50% of the market value of the house which had been on that location since the 1920's. If they did not get the FEMA variance they would still request all the zoning variances and try to do all the work without raising the house at all and they felt they could do that.

Architects **Jay Sears** and **Sal Iannone** were present to show the layout of the house and proposed work. With the use of renderings, Mr. Sears was able to show visually where the requested variances were located. There was a 120 SF. portion of the deck for which they would also need a variance. Mr. Kelly explained that they felt their proposed work matched the character of the neighborhood and that because their lot was so narrow there was no way to get their proposed work out of the side yard. He did not feel there was any other feasible alternative available to them. The main reason for the dormers front and back was to add a bathroom and increase bedroom space on the second floor. **John Scala** a neighbor at **73 Dune Road** came forward to say he was in favor of the renovations. **Ralph Confessore** also came forward to say he had no objections to the renovation.

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

7) Last was the holdover 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.**

Attorney **Kittric Motz** was present for the applicants. Ms. Motz submitted a packet to each member containing information about her application. She then explained that her clients were happy to consider relocation of the guest cottage away from Ocean Avenue. The new cottage location had a corner 50.5' from the property line. Ms. Motz did indi-

cate that there was a little 'bump-out' that was 49.4 feet. Most of the cottage will now be located in a conforming location only a small part of the one story 'wing' sticks out into the required yard. In doing so they displaced a proposed conforming garage and Ms. Motz filed an application for the proposed garage in a new location. The shed shown on the survey will be removed. The site plan showed hedging that would shield all the improvements on the property including the garage. They were proposing to move the cottage and requesting to raise it in order to put in a foundation, and by doing so they would be reducing its nonconformities in the distance from Ocean Avenue and the height in a required yard. She explained that they were proposing changes to the patio. There were plantings added and the square footage of the patio had been 2,150 SF. was being reduced to 1,777 SF. This changed their lot coverage request from 25.9% to 24.4% (including the proposed garage). The present lot coverage is 17.4%. Mr. Mullen wondered if they could reduce the size of the patio because of their coverage problem. He felt the patio was rather substantial. Attorney Motz explained that because of her client's specific health issues, a certain amount of space was necessary for her to maneuver around outdoor furniture etc. and still be on the flat surface of the patio.

The board wanted to know the square footage of the cottage. Ms. Motz explained that the cottage was 1,258 SF. The board wanted to know why they wanted a full basement. Ms. Motz explained that the unfinished basement would be used for storage of pool furniture etc. The board was still wondering if they could do part full basement and part crawl space. Attorney Motz explained that besides the outdoor furniture etc., her clients would also have the furnace and all mechanicals in the basement. She also included that they proposed to install an interior stairway down to the basement. In reference to the history of the structure, Ms Motz explained that she thought there was an affidavit in the file stating that the subject house had indeed been a boarding house at one point, in its earlier history, when it was owned by the Nelson family or earlier. Attorney Motz explained that they would be residing the cottage and adding trim that corresponds to the main residence, as well as a new roof. With the use of the drawings, the architect, **Mr. Stanton**, explained what kind of trim and detail would be added to the cottage. The interior would not be changing, and all windows and door were proposed to stay the same.

DECISION: MR. LEWIS MOVED TO ADJOURN THE BICK APPLICATION FOR DECISION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Respectfully submitted by:



File date: 9/28/12