

AGENDA FOR THE REGULAR MEETING TO BE HELD BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF QUOGUE HELD ON FRIDAY OCTOBER 19, 2012 AT 4:00 PM.

PRESENT:

OTHERS PRESENT:

The Pledge of Allegiance.

Approval of Minutes of Regular Meeting held on September 21, 2012.

Motion By: Seconded:

Approval of Abstract of Audited Vouchers Schedule 10-12, \$259,195.89 and Treasurer's Report
for the Month ending September 30, 2012:

\$ 30,098.10 Checking Account

\$8,596,763.35 Investments

\$8,626,861.45 Total General Fund 09/30/12

Motion By: Seconded:

Clerk's report for September 2012 False Fire and Burglar Alarms:

Burglar Billed: \$300.00; Burglar Collected: \$400.00

Fire Billed: \$5,500.00; Fire Collected: \$0

Departmental Monthly Reports:

Fire Department

Building Department

Police Department

Resolution to approve a donation in the amount of \$1,200.00 for revenue code A2705
(Donations) from Theresa Winter for the purchase of a memorial bench funded through
A7110.443 (Parks Improvements & Maintenance).

Motion By: Seconded:

Resolution to approve the deletion of Sues Path from the NYSDOT listing as a Village road.
This road was reported on the annual listing in 1992, but a resolution was never adopted.

Motion By: Seconded:

Resolution to approve a 5-year agreement with Global Telecom Supply and lease for an upgrade of the Avaya phone system in the Village office.

Motion By: Seconded:

Resolution to approve the following refunds of the Village 2012-2013 taxes due to duplicate payments:

<u>Tax Map#</u>	<u>Refund To</u>	<u>Amount</u>
1-1-18.6	Chevy Chase Federal Savings Bank	\$1,871.07
1-1-20.5	First American Real Estate Tax Service	\$1,900.63
3-2-1.8	First American Real Estate Tax Service	\$1,743.42
3-5-28	First American Real Estate Tax Service	\$2,091.71
3-6-38	First American Real Estate Tax Service	\$1,998.52
4-1-47	First American Real Estate Tax Service	\$1,994.41
4-1-58	First American Real Estate Tax Service	\$1,938.61
4-1-62	First American Real Estate Tax Service	\$2,802.98
8-1-7.1	First American Real Estate Tax Service	\$2,153.58
16-1-20	First American Real Estate Tax Service	\$ 84.19

Motion By: Seconded:

Resolution to approve the following tax refunds of Village 2012-2013 taxes due to reductions of tax assessments in Small Claims Assessment Review proceedings:

6-3-3	Geoffrey Judge	\$839.70
10-3-10.3	Kenneth Lynch	\$1,394.93
11-1-6	Ann Chizen	\$2,178.11
14-1-31	Joseph Pontarelli	\$1,228.72

Motion By: Seconded:

Resolution to approve the 2012-2013 Justice Court Assistance Program grant application for renovations to the jury room in an amount not to exceed \$8,000.00.

Motion By: Seconded:

Resolution to approve minutes of bid opening held on October 15th, 2012 at 3:00 PM for the installation of a new roof on the “snail house” at 172 Dune Road (see minutes attached).

Motion By: Seconded:

Public hearing on the proposed Local Law ___ of 2012 “A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect to Nonconformities”.

Introduction of proposed Local Law ___ of 2012 “A Local Law Amending Chapter 196 (Zoning) Of The Village Code With Respect to Accessory Uses and Structures in Residence Districts” and scheduling a public hearing.

Local Law No. _____ of 2012

A Local Law Amending Chapter
196 (Zoning) Of The Village Code
With Respect To Accessory Uses
And Structures In Residence Districts

Section 1. Purpose.

The Village Board of Trustees considers that a boat lift and associated apparatus constitute structures under the existing Zoning Code and that such structures are not permitted accessory structures under the existing Zoning Code. In order to clarify any ambiguity and avoid any doubt, this local law amends the Zoning Code so as to expressly provide that a boat lift and all associated apparatus constitute structures and are prohibited accessory structures.

Section 2. §196-13B(10) is hereby amended by adding the following sentence at the end thereof to read as follows:

A boat lift and all associated apparatus constitute structures and are prohibited accessory structures.

Section 3. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

Introduction of proposed Local Law ___ of 2012 “A Local Law Amending Chapter 37 (Numbering of Houses) Of The Village Code With Respect to Requiring Display of Numbers of all Improved Properties” and scheduling a public hearing.

A Local Law Amending Chapter 37
(Numbering of Houses) Of The Village Code With
Respect to Requiring Display of Numbers at all Improved Properties

Section 1. Chapter 37 is hereby amended by adding a new Section 37-4 to read as follows:
37-4. Display of Numbers.

It shall be the duty of every owner of an improved property in the Village of Quogue facing on a public or private street to display in a visible manner the correct street number of such property. Such display shall comply with any applicable provisions of Chapter 196, Article VIII, and the New York State Fire Prevention and Building Code.

Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

Approval of design changes for the Jessup Homestead building at 52 Quogue Street.

Public hearing on special exception uses of Hampton Motors at 8 Midhampton Avenue.

Meeting Adjourned: _____PM

A Local Law Amending Chapter 196
(Zoning) Of The Village Code With
Respect To Nonconformities

Section 1. §196-3 is hereby amended to read as follows:

§196-3. Nonconforming uses.

A. No land, building or structure actually and lawfully used, at the time of the taking effect of this chapter or at the time of the taking effect of any amendment thereto changing the use regulations, for any use not conforming with the provisions of this chapter shall be used thereafter to any greater extent for the same nonconforming use, except as expressly set forth in this Chapter.

B. No land, building or structure actually and lawfully used, at the time of the taking effect of this chapter or at the time of the taking effect of any amendment thereto changing the use regulations, for any use not conforming with the provisions of this chapter shall be used thereafter for any other nonconforming use , except as expressly set forth in this Chapter.

C. A conforming principal building lawfully used for a nonconforming use may be reconstructed or altered for the same nonconforming use to an extent not exceeding 100% of the usable floor area of such building without the requirement of a variance from the Board of Appeals, provided that the overall lot coverage of such building is not enlarged, such building is not used to any greater extent for such nonconforming use, and the character of such nonconforming use is not changed, and provided further that all other requirements set forth in this Chapter are complied with.

D. A nonconforming principal building lawfully used for a nonconforming use may be reconstructed or altered for the same nonconforming use to an extent not exceeding 100% of the usable floor area of such building upon obtaining special exception approval from the Board of Trustees authorizing such reconstruction or alteration, provided that the overall lot coverage of such building is not enlarged, such building is not used to any greater extent for such nonconforming use, the character of such nonconforming use is not changed, and the reconstruction or alteration shall not increase the specific nonconformity or nonconformities involved with respect to dimensional regulations, and provided further that all other requirements set forth in this Chapter are complied with.

E. With respect to subsections C and D above, where the reconstruction or alteration involves construction of a foundation, basement or cellar for such principal building, such construction shall not be deemed to enlarge or increase the usable floor area of such building or to increase the extent of such nonconforming use provided that the floor area of such basement or cellar shall be used only for storage or for location of mechanicals for the building or similar equipment and, upon obtaining special exception approval from the Board of Trustees, such other uses as may be incidental to the lawful use of such building and authorized by the Board of

Trustees. With respect to subsections C and D above, where the reconstruction or alteration involves construction of fire safety features or handicapped accessibility features required by the State Uniform Fire Prevention and Building Code for such principal building, such construction shall not be deemed to enlarge the overall lot coverage or increase the usable floor area of such building or to increase the extent of such nonconforming use.

F. With respect to subsection D above, where the reconstruction or alteration involves construction of a foundation, basement or cellar for such nonconforming principal building which increases any specific nonconformity with respect to dimensional regulations by reason of an increase in the height of such building, the Board of Trustees may grant special exception approval authorizing such reconstruction or alteration notwithstanding such increase of any specific nonconformity, provided that the height of such building is not increased by more than 3 feet . With respect to subsection D above, where the reconstruction or alteration involves construction of fire safety features or handicapped accessibility features required by the State Uniform Fire Prevention and Building Code for such nonconforming principal building which increases any specific nonconformity with respect to dimensional regulations by reason of providing such features, the Board of Trustees may grant special exception approval authorizing such reconstruction or alteration notwithstanding such increase of any specific nonconformity, provided that the Board of Trustees finds that such features are designed and located so as to minimize to the extent reasonably practical any detriment to the neighborhood.

G. Except as set forth in Section 196-5, an accessory building or structure (whether conforming or nonconforming with respect to dimensional regulations) lawfully used for a nonconforming use shall not be reconstructed, altered or added to unless a special exception is obtained from the Board of Trustees.

H. The Board of Appeals may grant a variance for a change in a nonconforming use (such as a change from a lawfully existing nonconforming use to another nonconforming use), provided that:

(1) The Board of Appeals shall have made a determination that such change is likely to benefit the general neighborhood.

(2) Such change is made subject to such reasonable conditions and safeguards, if any, as the Board of Appeals may stipulate.

Section 2. §196-5 is hereby amended to read as follows:

§196-5. Nonconforming guest house use.

A. Where a parcel of land contains one one-family dwelling and a separate existing building lawfully used in whole or in part for residential purposes incidental to the use of the one-family dwelling (such as where the separate existing building is lawfully used for occupancy for residential purposes by guests of the occupants of the one-family dwelling), such separate

existing building shall be deemed an accessory building used for a nonconforming accessory use (the guest house use being a nonconforming accessory use). Such separate existing building shall not be considered a one-family dwelling.

B. Where such accessory building is lawfully used only in part for the nonconforming guest house use (such as where part of the accessory building is used as a garage or other permitted accessory use), the term “guest house” shall mean and refer to the part of such accessory building lawfully used for the nonconforming guest house use. Where such accessory building is lawfully used in whole for the nonconforming guest house use, the term “guest house” shall mean and refer to the whole of such accessory building.

C. Such guest house may be used and occupied for residential purposes only by guests of the occupants of the main house (to wit, the one-family dwelling). Such guest house shall not be used and occupied for residential purposes by a person or family independent from the occupants of the main house, and such guest house shall not be rented to a tenant or tenants for occupancy for residential purposes by a person or family independent from the occupants of the main house.

D. Where such accessory building is lawfully used only in part for the nonconforming guest house use, any enlargement of such accessory building shall be prohibited unless a variance is obtained by the Board of Appeals, and any expansion or increase in the floor area used for nonconforming guest house use (such as conversion of floor area used as a garage or other permitted accessory use to floor area used for nonconforming guest house use) shall be prohibited unless a variance is obtained from the Board of Appeals. Where such accessory building is lawfully used in whole for the nonconforming guest house use, any enlargement of the guest house shall be prohibited unless a variance is obtained from the Board of Appeals, and any expansion or increase in the floor area used for nonconforming guest house use shall be prohibited unless a variance is obtained from the Board of Appeals.

E. A conforming accessory building lawfully used for nonconforming guest house use may be reconstructed or altered for such nonconforming use to an extent not exceeding 100% of the usable floor area of such building without the requirement of a variance, provided that the overall lot coverage of such building is not enlarged and such building is not used to any greater extent for such nonconforming use, and provided further that all other requirements set forth in this Chapter are complied with. Where such reconstruction or alteration involves construction of a foundation, basement or cellar for such building, such construction shall not be deemed to enlarge or increase the usable floor area of such building or to increase the extent of such nonconforming use provided that the floor area of such basement or cellar shall be used only for storage or for location of mechanicals for such building or similar equipment.

F. A nonconforming accessory building lawfully used for nonconforming guest house use may be reconstructed or altered for such nonconforming use to an extent not exceeding 100% of the usable floor area of such building without the requirement of a variance, provided that such building is moved to a conforming location, the overall lot coverage of such building is not enlarged and such building is not used to any greater extent for such nonconforming use, and provided further that all other requirements set forth in this Chapter are

complied with. Where such reconstruction or alteration involves construction of a foundation, basement or cellar for such building incident to moving such building to a conforming location, such construction shall not be deemed to enlarge or increase the usable floor area of such building or to increase the extent of such nonconforming use provided that the floor area of such basement or cellar shall be used only for storage or for location of mechanicals for such building or similar equipment.

G. Except to the extent otherwise specifically provided in subsection F above, a nonconforming accessory building lawfully used for nonconforming guest house use shall not be reconstructed, altered or added to unless a variance is obtained from the Board of Appeals.

H. The specific provisions of subsections E and F above are intended to constitute a limited exception to the general provisions of subsection G of §196-3.

Section 3. §196-7C is hereby amended to read as follows:

C. Where a parcel of land contains one one-family dwelling (to wit, not more than one one-family dwelling or dwelling unit), which dwelling is validly and lawfully in existence as a nonconforming building due to a nonconformity as to dimensional regulations, such dwelling may be reconstructed, altered or added to without the requirement of a variance, provided that the reconstruction, alteration or addition shall not increase the specific nonconformity or nonconformities involved, and provided that all other requirements set forth in this Chapter are complied with.

Section 4. §196-7.1 is hereby amended to read as follows:

§196-7.1. Nonconforming buildings used for a conforming use.

A. Where a principal building used for a conforming use is validly and lawfully in existence as a nonconforming building due to a nonconformity as to dimensional regulations, such building may be reconstructed, altered or added to without the requirement of a variance, provided that the reconstruction, alteration or addition shall not increase the specific nonconformity or nonconformities involved, and provided that all other requirements set forth in this Chapter are complied with.

B. Where an accessory building used for a conforming use is validly and lawfully in existence as a nonconforming building due to a nonconformity as to dimensional regulations, such building shall not be reconstructed, altered or added to unless a variance is obtained from the Board of Appeals.

Section 5. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.