

**ZONING BOARD OF APPEALS
SATURDAY, FEBRUARY 16, 2013
4:00 P.M.**

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

1) Chairman Lewis brought the meeting to order. He then tentatively set the date for the next ZBA meeting as March 30, 2013. He then requested approval of the minutes of the January meeting.

MR. MULLEN MOVED THAT THE MINUTES OF THE JANUARY MEETING BE APPROVED. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Lewis explained that the board had received a request from the Penniman Point LLP to extend a letter for a variance for a Penniman Point LLP lot for 2 years from the present expiration date of February 26, 2013.

MR. MULLEN MOVED THAT THE BOARD GRANT THE EXTENTION FOR THE PENNIMAN POINT LLP. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The first matter on the afternoon's agenda was the application of **Richard Richards** for a lot coverage variance to 22%, a front yard variance to 44.9 feet, a total side yard variance to 57.4 feet, a height within required yard variance, street frontage variance to 119.80 feet if necessary, and a lot width variance if necessary, in order to permit proposed reconstruction and additions to existing house. Premises are known as **162 Dune Road. TM #902-16-2-3.**

Attorney **Daniel Barker** was present for the applicant, **Mr. Richards**, who was also present, along with his personal assistant, **Carol Jones**. Mr. Lewis asked Mr. Barker if he had seen the letter received from a neighbor with a question about their lighting. Mr. Barker said he had not seen the letter and took a few minutes to go over the letter with his client, Mr. Richards. Mr. Richards came forward to explain that he came to Quogue 51 years ago as a guest of others and built his own home here 48 years ago. He explained

that Hurricane Sandy ruined 3 of his bedrooms, and he needed them reconstructed since he had 4 children and six grandchildren who come to visit. He explained that he would actually be losing 1 of his bedrooms, and it has been devastating to him and his family.

Mr. DePetris was looking for the requested elevation plans in the file, which he had discussed with attorney Gair Betts and explained that they were pertinent to the discussion. It appeared that the plans had not been delivered to the board ahead of time, making it impossible for the board to have pertinent elevation information. Attorney Barker continued with the application saying that Mr. Richards wanted to create the same living space that was flooded and damaged by hurricane Sandy without going outside the existing footprint. The proposed project will remove 1,093 SF. of the existing dwelling constructed below the currently required FEMA flood plan. A new addition to the existing dwelling of 941 SF. is proposed to be constructed above the currently required FEMA flood plan and the currently required 2 foot free board at the level of the second floor of the existing dwelling. The addition at the second floor level will be supported by compliant piling and girder system. The area where the bedrooms are now located will be turned into a garage. The existing overall lot coverage is presently at 22.7% and their proposal would represent a 2.7% reduction in current nonconforming lot coverage to 20%. They were also seeking a front yard setback to 44.9 feet, instead of the required 60 feet. The existing front yard setback was 42.6 feet and if their variance was granted it would create a reduction of the existing nonconformity. The proposed structure also had a minor encroachment into the required westerly side yard of 3.1 feet being considerably less than the present encroachment of the existing structure of 7.3 feet. They were also seeking a side yard variance to 57.4 from the required 60 feet for a total side yard creating a reduction in the total side yard nonconformity. With reference to the street frontage, they were seeking a variance to 199.80 feet instead of the required 150 feet. The Attorney was also requesting a height variance because the proposed structure had minor encroachments above the 16' height limit in the required westerly side yard. The board mentioned that they did not have any plans showing any of the information that Attorney Barker was speaking about, which made things difficult. **Carol Jones**, Mr. Richard's personal assistant came forward to explain that their architect, Don Jewel, met with Village Building Inspector, William Nowak, the Friday before the Zoning Board meeting and went through and discussed the plans. Mr. DePetris explained that the board needed the average elevation of the center line of the street in front of the building, as well as the average elevation of the existing natural grade in front of the building, in order to determine the height figures. Attorney Barker explained that the requested variances would make it possible for his client, Mr. Richards, to be able to replace the living space that was flooded during Hurricane Sandy and make it part of the second story of the house to prevent further flooding. They felt the proposed project would not create any detriment or undesirable changes to the community while at the same time allowing for a reduction in some of the preexisting nonconformities. The proposed project is for 2 bedrooms, while previously the structure had 3 bedrooms. The board suggested that when Mr. Barker files the future plans for this application there should be multiple copies and they should be filed far enough in advance of the meeting for the board members to have opportunity to review them before the meeting. There should also be a cover letter that points out the details of the height data that would be on the plans.

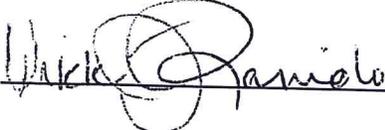
DECISION: MR. LEWIS MOVED THAT THE RICHARDS APPLICATION BE ADJOURNED TO THE NEXT MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **Lenore and Neil Sherman** for a side yard variance to 32.2 feet and a height within a required yard variance in order to permit proposed addition to existing house. Premises are known as **1 Meadow Lane. TM #902-7-1-11.9**

Mrs. Lenore Sherman was present to discuss her application, along with her husband **Neil Sherman** and their architect, **Rick Suter**. She explained that they were requesting a side yard variance from 35 feet to 32.2 feet as well as a height variance. The Shermans were proposing to construct a 15 foot extension from their existing front of the eastern portion of their house. After submitting plans to create additional attic, storage, and living space, they were notified by the building inspector that the truncation of the house created a zoning problem for which they would need variances. Mrs. Sherman said she spoke to Mr. Suter, their architect, to see if there was any way to accomplish their design without needing a variance but he did not feel it would be possible as the changes would not only change the rooflines but would also make it impossible to install the necessary window for ventilation in the upstairs bathroom. They did not feel the requested variance would negatively impact any of their neighbors. They did speak to the neighbor closest to that side of the house where the construction would happen, and said neighbor not only did not have a problem with the proposed construction but he submitted a letter to that effect. They felt their proposed construction would not create any undesirable change to the neighborhood. Mrs. Sherman submitted a survey and photos of the area of their property in question. She then explained that the proposed height of the part of the edition that was in the required side yard will go from 29 feet to approximately 30.5 feet. Mr. Suter came forward and explained the information to the board using the plans.

DECISION: MR. LEWIS MOVED THAT BASED ON THE SURVEY SUBMITTED WITH THE APPLICATION, THE PLANS SUBMITTED AT THE HEARING, AND THE ARCHITECTS TESTIMONY THAT THE HEIGHT WITHIN THE REQUIRED SIDE YARD VARIANCE BEING SOUGHT IS A HEIGHT TO 30.5 FEET, WE GRANT THE REQUESTED SIDE YARD VARIANCE TO 32.2 FEET AND THE REQUESTED HEIGHT WITHIN THE REQUIRED YARD VARIANCE TO 30.5 FEET. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:  File date: 3/5/13