

**ZONING BOARD OF APPEALS
SATURDAY, MARCH 30, 2013
4:00 P.M.**

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

(1) Chairman Lewis brought the meeting to order and indicated that the next meeting would be on Saturday, April 27, 2013. He then added that the matter of David Marr had been adjourned to the April meeting. He then moved for the approval of the minutes of the February 16, 2013 meeting.

DECISION: MR. LEWIS MOVED FOR THE APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2013 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(2) The first matter for discussion was the request by **Mr. Hoogkamp**, for an extension of the previously granted variance for **63 Dune Road (TM #902-13-1-13)**. Real Estate broker, **Craig Carbone** was present with **Mr. Hoogkamp**, but did not need to speak as the board was prepared to grant the extension for another two years.

DECISION: MR. LEWIS MOVED THAT THE BOARD GRANT THE EXTENSION FOR ANOTHER TWO YEARS. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(3) Next, was the application of **John B. Cunningham** for a variance in order to maintain a "tree-house". Premises are known as **59 Lamb Avenue. TM #902-8-1-13.2**

Mr. Cunningham came forward to address the board. He explained that he had a brain tumor which he has been living with for the past 5 years. He and his family have been in Quogue for about 12 years and lived in their house on Lamb Avenue for the past 10 years. The tree-house that has been in their yard for the past 4 years was built by Mr. Cunningham in 2009 / 2010. It had been attached to a cedar tree in their yard but the tree fell down in the last storm. Because the tree-house was a meaningful piece of property to Mr. Cunningham and his family, he was requesting to rebuild it and keep it up for a few more years as he felt his permanent health was certainly in danger. He explained

that the tree-house did not have water but it did have electricity. The board explained that the Quogue Zoning Code does not contemplate such structures as tree-houses. The board wanted to recognize Mr. Cunningham's accomplishment but was also wondering if there was some way to preserve what was built, in their yard, but not elevated. Mr. Cunningham really wanted it to be raised at least to some extent. The board suggested that Mr. Cunningham consult with Mr. Nowak the building inspector to make sure the tree-house was structurally sound, and that if he did put it back up that it had different forms of support. The board wanted Mr. Cunningham to have discussions with Mr. Nowak to see if the tree-house might be able to have a simple foundation that gives it the elevation he wants and satisfies building code requirements while at the same time. The board said it had to be safe.

DECISION: MR. LEWIS MOVED TO ADJOURN THE CUNNINGHAM APPLICATION UNTIL APRIL 27, 2013. THE MOTION WAS UNANIMOUSLY APPROVED.

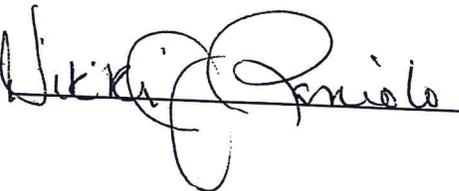
(4) Next was the holdover application of the application of **Richard Richards** for a lot coverage variance to 22%, a front yard variance to 44.9 feet, a total side yard variance to 57.4 feet, a height within required yard variance, street frontage variance to 119.80 feet if necessary, and a lot width 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. At the last meeting, Mr. Barker had outlined the project and discussed the benefits of the project to Mr. Richards, and that they felt there would be no detrimental effects to the neighborhood. He also noted that the architect's plans had been submitted to the board before the meeting. Mr. DePetris was wondering where the multiple copy packets were that Mr. Betts said he was putting together for the board to consider at the meeting. They were supposed to contain history, prior CO's, permits, variances, etc., that would be informative to the board in helping them get a better picture of how certain structures got on the property. Mr. Barker did not have packets for the board, as he thought they had previously been submitted. Mr. DePetris suggested that before the next meeting Mr. Barker file 6 or 7 copies of all the relevant historical information with an outline, before the next meeting. The board was trying to reconcile in their minds that all structures on the property were legal and they needed information with documentation. As it appeared to the board, at the present, there were items on the property that did not appear to have legal existence. Mr. Richards came forward to say he was only aware of one discrepancy, and that was with the walkway next to the pool. Mr. DePetris pointed out that almost all the structure on the survey were non-conforming. It might be that they will have to amend their application to ask for variances to legalize what is on the property. The board would not be amenable to granting variances to add to anything until other situations were explained and straightened out. Mr. Richards explained that he was frustrated coming back and forth from California to attend zoning meetings without getting things accomplished. He did understand though, that much of the problems causing his situation were on the part of his at-

torneys. As a predicate to the variance for the proposed addition, the board suggested that they Mr. Richards and his attorneys may have to make request for more variance reliefs. Mr. Barker said that he would communicate with Mr. DePetris from this point forward. Mr. DePetris made mentioned of a 1966 variance decision. Mr. Barker then mentioned that there was a more recent 1977 variance decision, and he read the information contained therein to the board. The board explained that the information though helpful, needed to contained in a packet so the board could review all information together in order to know what variances should be requested and or granted. The architect, Don Jewel came forward and explained, with the use of his plans, what would be removed, the proposed addition, and what would be rebuilt. He also explained the floor plans to the board.

DECISION: MR. LEWIS MOVED TO ADJOURN THE RICHARDS APPLICATION UNTIL APRIL 27, 2013. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Respectfully submitted by:



File date: 4-24-13