

**ZONING BOARD OF APPEALS
SATURDAY, DECEMBER 13, 2014
3:00 P.M.**

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

Absent: Ogden Lewis

1) Chairman Treuhold brought the meeting to order. The minutes of the **November 15, 2014** meeting were approved into the record. The next meeting was scheduled to be held on **January 31, 2015, at 3 PM.**

2) The first matter was the holdover application of **Anna Zaleski** of **49 Montauk Hwy.** for a decision. Mr. and Mrs. Zaleski were present for the decision.

DECISION: MR. TREUHOLD REQUESTED A MOTION TO ACCEPT INTO THE RECORD THE WRITTEN DECISION (see attached) GRANTING THE VARIANCES FOR THE ZALESKI APPLICATION. MR. RYAN SO MOVED AND MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the holdover application of **Beverly Weiss** and **Karen Bander.** Mr. Treuhold explained that the Board had received and reviewed the new survey and drawings and had come to a decision in favor of their application.

DECISION: MR. TREUHOLD REQUESTED A MOTION TO ACCEPT INTO RECORD THE WRITTEN DECISION (see attached) GRANTING THE BANDER/WEISS VARIANCES. MR. RYAN SO MOVED AND MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **Remy** and **Anne-Celine Grandury** for front yard variances to 30 feet and 43.3 feet from Schaefer Lane for parts of proposed house, for height variances within such required front yard to 30.75 feet and 25.8 feet for parts of proposed house, and for a street setback variance to 49 feet from Schaefer Lane for proposed pool house. Premises are known as **6 Niamogue Lane. TM #902-14-1-37.**

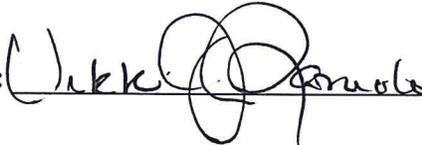
Attorney **Kittric Motz** was present for the applicants who were also present. The Grandury's architect, **Stuart Disston**, was also present for the discussion. Mrs. Motz explained that since the home was mostly destroyed by Super Storm Sandy, they were proposing to do a complete demolition and then redevelop the property. She explained the history that gave rise to the creation of Schaefer Lane in 1962 which was before the 1992 ruling allowing flag pole lots in the village. As a condition of the creation of what is now #3 Schaefer Lane, the road Schaefer Lane came into existence. That road created a corner lot affecting her client. Mrs. Motz explained that the side yard setback for this district was 25 feet and they were requesting a portion of the house which is the two car garage be permitted to be within 30 feet of Schaefer Lane instead of 60 feet. Mrs. Motz explained that the studio was proposed to be 43.4 and the pool house was proposed to be 49 feet from the street. They were also requesting height variances because they were technically in a required setback. She stressed that none of the variances would be required if #3 Schaefer Lane was treated as a flag pole lot, which it would have been applying zoning rules in existence today. Attorney Motz also explained that by opening up the property as they were proposing, and moving the improvements farther away from the neighbors, it would be more beneficial to the neighborhood. She explained that the height was also driven by FEMA regulations, requiring them to have 2 feet of free Board, making them 6.8 feet above the mean street grade. In reference to the garage, she indicated that after subtracting the 6.8 foot FEMA requirement, they were really only looking for 7.9 feet of relief that would be design related. The same situation applied to the studio. They were really only looking for 3 foot of design related relief, as the rest was FEMA driven. She felt that was minimal under the circumstances. Mr. Disston came forward to help explain how much of the height within the required setback from Schaefer Lane, would exceed 16 feet. Mrs. Motz showed the Board by using the surveys included in the application. Mrs. Motz explained that they would be removing some nonconformities in the lower left hand portion of the property to make the property more open. She also explained that their house would not be the only two-story house in the neighborhood. The Board wondered what the second story of the attached garage would be used for. Mr. Disston explained that the Grandury's young adult children would be using it as a TV room and a place to lounge with their friends. Mr. Disston explained that the house itself was 5 feet lower than the maximum height permitted, and that they could fit the whole house, as is, on the lot, in a completely conforming location, but it would be to the detriment of the neighbors, because the space from their yards to Grandury's house would be greatly reduced. They were not asking to reposition the house because it would not fit any other way, but were instead requesting the proposed positioning of the house to create more space in the side and rear yards. Mr. Disston also explained that they had 74 feet to their West and were at 30 feet to the East, and if they move the house over another 30 feet, they would still have 34 feet on the west, which gave them enough room. Mr. Disston added that they had spoken to both neighbors and they both preferred having the house in the proposed location. Mr. DePetris asked if, since they considered 60 feet as the front yard setback from Niamogue Lane, and the lot line opposite Niamogue Lane as the rear, and since they were treating Schaefer Lane as a driveway, would their proposed house be 70 feet from the lot line opposite Niamogue Lane"? Mr. Disston answered, "Yes". Mr. DePetris further clarified things by saying that they were conforming to Niamogue Lane

with all front yard aspects, all rear yard aspects, the lot line opposite Niamogue Lane, and more than conforming to all side yard aspects in relation to the neighbor, Diana Vought. Mr. Disston confirmed. They could also shift the house closer to the Vought house and conform to Schaefer Lane as it was a front yard, without any changes. Again, Mr. Disston confirmed. The Board decided to adjourn for 10 minutes to discuss the application a further.

After the short adjournment, Mr. Treuhold explained that the Board was willing to grant the Grandury application, but since they were moving their house further away from the Vought house they were concerned that, in theory, they would be able to add on to the west side of the house. The Board therefore wanted to impose a condition that the applicants could not add on to the west side of the house without coming back before the Board.

DECISION: BASED UPON ALL OF THE INFORMATION PRESENTED INCLUDING THE FACT THAT SCHAEFER LANE WAS IN REALITY A PAPER ROAD OR A DRIVEWAY; THE BOARD FOUND THAT THE REQUESTED VARIANCES WERE WARRANTED PROVIDED THAT A CONDITION WAS IMPOSED. THEREFORE, THEY MOVED TO GRANT THE REQUESTED VARIANCES SUBJECT TO A CONDITION THAT THERE SHALL BE NO FUTURE ADDITION TO THE WESTERLY SIDE OF THE PROPOSED HOUSE WITHOUT APPROVAL FROM THE ZONING BOARD. (For clarification the Board noted that the westerly side of the proposed house was the side opposite Schaefer Lane, facing land now or formerly Diana Vought). MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:  File date: 12/22/14