

**ZONING BOARD OF APPEALS
SATURDAY, MARCH 28, 2015
3:00 P.M.**

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

Absent: Charles Mott

1) **Chairman Treuhold** brought the meeting to order. After the mention of two corrections, the minutes of the **February 28, 2015** meeting were approved into the record. The next meeting was scheduled for **3 PM, on April 25, 2015**. At the request of the applicant, the holdover application of **The Cotswolds, LLC**, was adjourned to the April meeting.

2) The first item for discussion was the application of **J. Squared Equities LLC** for a front yard variance to 27.9 feet and a side yard variance to 20.3 feet for proposed garage addition to existing house, for setback variances to 21 feet from northerly line and 21.4 feet from westerly line for existing shed, and for a rear yard variance to 49.8 feet for existing house if necessary. Premises are known as **1 Little Pine Lane. TM #902-3-4.7**

Attorney **Kittric Motz** was present as the applicant. She explained that her application was to build an attached garage onto her existing home, which would involve taking out a window and replacing it with a door, which would lead into a connecting mud room. If she tried to attach the garage to the south side, it would be interfering with the existing septic system. She also explained that if she tried to put it on the west side of her house, she would need an even larger variance in terms of side yard and overall setbacks, as well as the fact that the entrance would then be into two bedrooms and she would have to give up two closets in order to make an entrance to come into the home. Attaching it on the north side of the house would be blocking off the only additional light source to a bedroom and a bathroom on that side. On the east side of the house is where her underground propane tank is located, which would create quite a difficulty to move. If the proposed garage was attached to the back, then the entrance would be through the master bedroom, and she would be forced to give up two 30 foot trees, as well as still needing rear yard setback relief. Mrs. Motz explained that it is possible to create a detached garage back where her shed is located, but it would be the least desirable location because the driveway would then have to be located over the septic system, which is not allowed,

and it would be a great distance from the road to plow in the winter, as well as being quite an inconvenient distance from the home. Mrs. Motz confirmed that the proposed new garage would be on a slab foundation, having no crawl space, and she would not require a height variance within the required side yard.

Mrs. Motz's neighbor, who lives on the same side of the street as the proposed garage, came forward to express that she had no objections to the requested variances.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE J. SQUARED EQUITIES LLC APPLICATION. MR. RYAN MADE A MOTION TO APPROVE THE APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Dunecrest Properties LLC** for a dune setback variance and a coastal erosion hazard area variance in order to permit proposed swimming pool, spa, and patio in connection with removal of all existing structures and construction of a proposed house and tennis court. Premises are known as **22 Dune Road. TM #902-12-2-11**

Charles Bowman of Land Use Ecological Services Inc. was present as agent for the applicant along with the architect **Stuart Disston**. Mr. Bowman explained that the existing single-family dwelling was located within the coastal erosion hazard area as well as another structure usually referred to as the pavilion. He explained that there was over 3,000 SF. of space including a kitchen, bedrooms, and a sanitary system which were all proposed to be removed and the whole dune system would be restored. His client was proposing to remove the pavilion, locate the whole habitable part of the new house north of the coastal erosion hazard line, and restore the primary dune. The only portion of the new construction that would remain south of the coastal erosion hazard area would be the patio/pool area, which would be right at the edge of the hazard line. Mr. Bowman submitted a coastal erosion hazard map and aerial photo of the subject property. Their proposal was to have all their proposed structures well landward of the houses on either side of them. The proposed new house would be built to FEMA standards. He also explained that their practical difficulty was that 68% of their site was within the coastal erosion hazard area leaving them a small building envelope. Mr. Bowman also mentioned that his client was willing to give up a very significant view of the beach and ocean, in order to remove their structure from the dunes. The Board clarified that all the currently existing structures would be removed from the dunes, except for one beach walkway, that will be replaced with a new walkway, and the new patio/pool area. Mr. Bowman explained that the new plans do show the toe of the dunes. He included that even the driveway, which presently cuts into the dune, will be removed and approximately 1,000 yards of clean, beach compatible sand would be brought in for dune restoration. All native beach grass and other native beach flora and fauna would be brought in and placed on the dunes.

Mr. Disston explained that the proposed house would be on pilings. The proposed first floor elevation would be 15 feet and the proposed second floor elevation would be 26 feet. It was also proposed to be a traditional shingle styled house similar to what he designed at #6 Dune Road. The total proposed height would not exceed the maximum height allowed. He explained that the decking would be either a limestone or flagstone terrace. The board expressed a desire to see plans of the project. Mr. Disston had not prepared plans for the house as he was waiting to see what variances would be approved so he would not have to invest time to design and then redesign the house.

Attorney Andrew Campanelli came forward representing the Slepian's, the neighbors at 24 Dune Road, which is the property directly east of the subject property. He was requesting that the hearing remain open until the April 25th meeting, so his clients could have time to review the latest plans. His clients were concerned because the Dunecrest Property LLC pool and the walkway to the beach would be essentially adjacent to their bedroom window on the first floor. They felt that from the walkway, the guests at 22 Dune Road would be able to look down, directly into the Slepian's bedroom window because the walkway was only 41 feet from the property line. The board explained that the applicants had submitted a revised survey showing the walkway in a compliant location of 61.3 feet from the Slepian's property line. Mr. Campanelli approved of the change. He was still concerned that the applicants did not meet the criteria under the village code of no reasonable alternative or the minimum variance standards. His clients were also concerned about having some type of evergreen buffering installed to minimize any adverse impact from the use of the applicant's structures. Mr. Campanelli wanted to be able to obtain any other submissions by the applicants so his clients could review them, and he again requested that the board keep the public hearing open so his clients had time to review all submissions, giving him time to address all their concerns. Robert Kelly was present representing the neighbor on the west side of the applicants, and wanted any updated submissions to review with his clients.

DECISION: MR. TREUHOLD ADJOURNED THE APPLICATION TO THE NEXT MEETING. HE ASKED THE APPLICANT TO SUBMIT SOME ADDITIONAL DETAIL DRAWINGS SHOWING WHAT THE POOL AND THE MAIN STRUCTURE WOULD LOOK LIKE. HE ASKED MR. BOWMAN AND MR. DISSTON TO SPEAK TO THEIR CLIENT AND ADDRESS THE CONCERNS OF APPROPRIATE LANDSCAPE BUFFERING TO BE USED.

Mr. DePetris wanted the applicants to understand that the board would need to see detailed plans of the proposed construction south of the coastal erosion hazard line.

The meeting was adjourned.

Respectfully submitted by:  File date: 4/8/15