

**ZONING BOARD OF APPEALS
SATURDAY, JULY 11, 2015
4:00 P.M.**

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

Absent: Ogden Lewis, and Alexander Ames

1) **Chairman Treuhold** brought the meeting to order. He began by welcoming new member, **Bruce Peiffer**, to the Zoning Board. He then thanked departing member **Ogden “Denny” Lewis**, who had recently stepped down, for his many years of unselfish service to the Board, starting in 1997 to the present. The next meeting was scheduled for September 5, 2015 at 4 PM. **The minutes of the May 23, 2015 meeting were accepted into the record.**

2) The first item for discussion was the application of **Stanley and Vivian Picheny** for a street setback variance from a proposed private road in order to permit existing shed at its existing location on proposed Lot 3 of applicants’ proposed major subdivision. Premises are known as **31 Bay Road. TM #902-6-1-18.3**

Attorney **Francis Yakaboski** was present to represent Mr. and Mrs. Picheny. He explained that they had received a temporary variance regarding the shed back in 2006 and have since received preliminary approval from the Planning Board. They also have Health Dept. and DEC approval. The shed is the one thing that still needs a variance to remain in its present location. The shed is architectural and historical in nature, and belonged to the original Brotherton Estate. It has no utilities and is only used for storage.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE PICHENY APPLICATION. MR. RYAN MADE A MOTION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the application of **Edward T. Otis III** for a variance in order to permit maintenance of a cottage at a location having a setback of 63.3 feet from Second Neck Lane. Premises are known as **14 Penniman Point Road. TM #902-6-2-7.1**

Attorney **Kittric Motz**, was present to represent **Edward T. Otis III**, who was also present, along with his wife, for the discussion. Mrs. Motz submitted some supplemental photographs for the members to review. She explained that her client has been informed that his acts in reference to relocating the cottage on his property were hasty and against Village rules. With that said, her client was still hoping to get permission to retain the cottages guest house use in its new, relocated position. In the Board members packets, were surveys showing where the cottage was in its previous location and where it is now located. She felt that had the cottage not been moved and remained in its original location, Mr. Otis would have had the right to request a variance for it as a pool house because pool houses are permitted usage. She felt that since a pool house needs to be near the pool that it serviced, it should have been permissible. The idea was to keep the back yard uncluttered, and since it was quite a large piece of property, all the accessory structures would be between the house and Second Neck Lane, a private road. The deck that a previous owner enlarged without permission to within 52 feet, has been completely removed, thereby reducing the nonconformity a small amount. Mrs. Motz wanted the Board to be aware that there would be a follow up application for landscaping around the property. She also wanted the Board to understand that when the cottage was moved it was not altered at all. Mrs. Motz reviewed the photos in her packet with the Board while explaining that her client had screened the view of the cottage from Second Neck Lane and they plan to add even more screening than is shown in the photos, before they were finished. She explained that the only other location to position the cottage, in relation to the pool, would be on the other side of the pool, and right now the cottage is connected to the same sanitary system as the house. If the cottage was pushed to the other side of the pool, her client would have to install a new sanitary system, which she felt would create a hardship for her client. She wanted to stress that her client would be willing to accept a covenant that would prohibit any rental use of their cottage, as he only wanted it to be used for close friends and family. She explained that the dog run shown on the survey, would also be removed. It was noted by the Board that the cottage was estimated to be approx. 350 SF., and at present, was fully equipped with heat, A/C, washer and dryer, and other utilities. The Board noted that it was basically a guest house. Mrs. Motz explained that because her client had three grown children, five grandchildren, with more on the way, and a sister who cannot climb stairs, this cottage was a necessity in order to accommodate the family when they visited.

Mr. John Griffith came to explain that although he had no objection to the present application, he did however want to see a covenant restricting the use of the cottage to friends and family of the owner, so it could never be used as rental property. He would like to see the cottage only in use when the main house was being occupied. He also wanted to make sure the screening that had been put in place would not be removed at some point in the future.

Rubin Jefferies of #41 Second Neck Lane, came forward to speak. He felt the Board should consider the fact that the Village has setback rules for a reason, the client had two residences on one piece of property, which was not allowed in Quogue, and finally that people in Quogue know that you have to come before the Board to get permission before making certain changes on their homes. He found it very troubling that someone would

move a house and then come before the Board. He wanted the Board to enforce the setback rules, and remind the citizens of Quogue that they should adhere to the rules of the Village.

Mr. Treuhold commented that he and the Board felt that it was extremely inappropriate for the applicant to have taken a guest cottage and moved it to a nonconforming location without first seeking approval or without obtaining a permit, and it was not behavior that the Village of Quogue should tolerate. He also expressed that it was certainly appropriate that Mr. Nowak issued a "stop-work" order. He felt that the builder who was involved should also be spoken to because Quogue Village rules were in place for a purpose. In terms of the cottage, Mr. Treuhold explained that the records showed that there had been a cottage on the property in question, since the early '50's, which was about 10 years before the present rules were in place about 'not' having a guest cottage. He felt the real issue was whether the Board should consider the continued use of the cottage even though it had clearly been moved to a nonconforming location without proper procedure. The situation was self created and there were alternative locations.

Mrs. Motz felt that granting the application would not create an undesirable change in the character of the neighborhood. She explained that any pool house in proximity of the swimming pool would require a variance and a new sanitary system, all of which would be at considerable expense to her client. As far as the hardship being self-created, Mrs. Motz agreed that her client had moved the cottage without proper procedure. The only changes made to the cottage upon its relocation, was a new crawl space foundation. The Board was wondering what was going to be involved in the next application for landscaping, and would it involve any rear yard encroachments? Mrs. Motz explained that on the Second Neck side of the pool, the deck/patio would be no more than 6 feet and the rest of the patio would be spaced between the pool and the house, which would not require a variance.

Mr. Rubin Jefferies came forward again to explain that at the time the cottage was constructed, the property was one lot. He explained that the variance only came up when the owners were dividing the property into two lots. He felt it was not as if there was a small 2 acre lot that had a cottage that was 'grandfathered-in' and had received a variance. He felt this information was relevant as factual consideration for the Board.

Mrs. Motz explained that the subdivision occurred in 2014 and that the survey she showed in her packet as Exhibit 1, is from that subdivision, and has been purchased by Ms. Lynch. Mr. Treuhold felt this was a challenging application for the Board's consideration especially since any decision could set a precedent. He explained that the Board would be willing to give instruction to Mr. Nowak to issue the building permit with respect to the main house, so Mr. Otis could proceed with construction on what does not require a variance. The Board wanted to consider the variance further.

DECISION: MR. TREUHOLD DECIDED TO ADJOURN THE MAIN DECISION WITH RESPECT TO THE LOCATION OF THE COTTAGE PENDING RECEIPT OF A FULL APPLICATION SHOWING EVERYTHING BEING

**PROPOSED WITH RESPECT TO THE POOL, LANDSCAPING, DECKING,
AND EVERYTHING ELSE INVOLVED.**

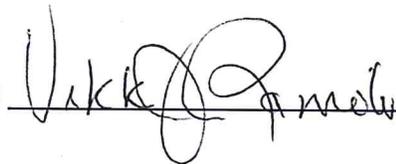
Mrs. Motz said she would have a completed application to Mr. DePetris, the Village Attorney, by August 1st.

4) Next was the holdover application of **The Cotswolds, LLC at 40 Ocean Avenue**. Attorney **Steven Latham** was present for the applicants along with the architect **David Neff**. Mr. Latham submitted information from the DEC for the Board to review. In addition to the six variances they were requesting from the Zoning Board, they were also requesting six variances from the DEC. He explained that their parcel was an extremely constrained site. He explained the magnitude of the variances they had to request from the DEC, and wanted the Board to know that they had finally received oral approval from the DEC. Mr. Latham distributed a zoning map showing that the subject property is located in the A8 zone, which made it an isolated, unique parcel. The lot is significantly nonconforming in size, in as much as it did not meet the two acre zoning. Because of the environmental constraints, their parcel was significantly restrictive. The rear yard in question was on the canal. He felt the relief they were requesting regarding the construction in the required rear yard as to height, and the 88 foot setback request, were warranted. Mr. Latham explained that if they tried to rotate the construction to try to minimize some of the variances on the east, for the pool, pool deck, or second story addition, they would aggravate the DEC variances on the north side. If they tried to slide the house to the north, they would create other similar situations. The architect David Neff came forward to explain the proposed changes. He explained that they left the first floor as it was, but pulled the second floor wall back three feet, which would also result in a reduction in the proposed first floor master bedroom from 17 feet to 14 feet. The previous large roof overhang to the south was redesigned to be pulled back 4' 4". The variance request with respect to the south end would now be 8.6 feet instead of 11.6 feet. He explained other changes with the use of a drawing, and information in their packet.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE VARIANCE REQUEST AS MODIFIED BY THE REVISED WEST ELEVATION PLAN DATED 7-10-15. MR. MULLEN MADE THE MOTION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:



File date: 9-1-15