

**ZONING BOARD OF APPEALS  
SATURDAY, DECEMBER 19, 2015  
3:00 P.M.**

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

1) Chairman Treuhold brought the meeting to order. The first matter was to approve the minutes of the November 14, 2015 meeting.

**DECISION: MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 14, 2015 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Mr. Treuhold said that the next meeting would be held on **January 30, 2016 at 3 PM.**

2) The first item on the agenda was the application of **Lance Sherman and Susan Buckley** for a setback variance to 21.7 feet from southerly line in order to permit proposed patio. Premises are known as **9 Jessup Lane. TM #902-7-3-26**

Landscape business owner **John Leuthardt**, came forward as the applicant's agent. He explained that his client's lot was very narrow and in order to fit their proposed lawn patio, they needed the requested variance. The south side of the lot was the living space and the pool, as shown on the survey. The patio they were requesting would be a seating area with a dinning table next to the existing deck containing the barbeque grill. The space between the proposed patio and the existing deck is proposed to have bushes planted at grade. According to their survey, there could never be a structure built on the greenway that borders the Mueller's property. As far as Mr. Leuthardt knew, the Muellers had no opposition to the variance. Mr. Leuthardt explained that his client's property has existing landscaping along the south property line that would act as screening for the proposed patio.

**DECISION: MR TREUHOLD ASKED FOR A MOTION TO APPROVE THE VARIANCE. MR. RYAN MADE A MOTION TO APPROVE THE REQUESTED VARIANCE. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the application of **James Cramer** for a lot coverage variance to 25.17% and setback variances to 5.9 feet from northerly line and 18.4 feet from easterly line in order to permit proposed addition to existing garage. Premises are known as **1 Village Lane. TM #902-7-2-38**

Real Estate agent **Craig Carbone** was present to represent **James Cramer and his wife**, who were both present. Mr. Carbone submitted photos of the Cramer's existing garage structure. He explained that they were asking to add a 168 SF. addition to the existing garage but because it was in a nonconforming location, they needed relief. The piece of property had previously been granted a variance in 2003 to relocate the garage but it was never acted on. A variance to enclose the patio with a screened in porch had also been granted, but never acted on. The addition will be used for storage. Because of basement flooding, the house had been lifted and rock drainage was installed under the basement, leaving the basement no longer useful. They proposed to keep a single bay for a car in the garage. The storage area and garage will not have a door to connect them. There will be separate entrances to each. Mr. Carbone indicated that he had applied for and received a single and separate ownership search certificate, which he submitted to Mr. DePetris, the Village Attorney. Mr. DePetris examined the document and felt more was needed to insure complete single and separate ownership, such as a Title Certification regarding the mortgage.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION AS WORDED BY MR. DEPETRIS: A MOTION WAS MADE TO GRANT THE REQUESTED VARIANCES SUBJECT TO SUBMISSION OF PROOF OF SINGLE AND SEPARATE OWNERSHIP SATISFACTORY TO THE VILLAGE ATTORNEY. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the application of **Joseph MacLean and Marjorie Dyer** for setback variances to 9.2 feet from westerly line and 15.2 feet from easterly line and a lot coverage variance to 31.9% in order to permit proposed swimming pool. Premises are known as **14 Ragusa Lane. TM #902-13-3-13.1**

Attorney **Robert Kelly** was present for the applicants. He explained that in 2010, variances were granted to allow the rebuilding of the main house. At that time the existing 16' x 32' swimming pool was removed in order to rebuild the house. His client's never got around to rebuilding their allowed 16' x 32' swimming pool at that time, but would like to do so now. They were now proposing to build a 10' x 23.3' swimming pool, which would be significantly smaller than the original approved pool. Since their lot was only 50 feet wide, there would be no way to build anything without dealing with setback problems. Because **John Cooney**, the neighbor at **78 Dune Road** had worries about the septic system, Mr. Kelly explained that there was a new septic system installed after 2010, which is why they originally moved the pool.

**Marc Ciguera** came forward to represent his mother-in-law **Adele Finkelstein**, who lived at **12 Ragusa Lane**, and **Michael Salvatore**, the neighbor at **80 Dune Road**. He explained that the neighbors he was representing felt that it was overreaching to request a pool on such a small lot, and that the fence line would detract and lower their property values. They did feel that in whatever decision the Zoning Board came to, they wanted to be allowed 30 days to review the board's decision and consider it with their counsel, and the opposing neighbors, as well as Mr. Cooney.

Mr. Kelly did not want a 30 day delay imposed as all the neighbors had received proper notice. Mr. Treuhold explained that given the nature and the time spent on the file in the past, and the fact that the requested variances were reduced, he did not feel that it was a particularly difficult variance request, and that the board was prepared to render a decision.

**DECISION: MR. TREUHOLD MOVED TO GRANT THE REQUESTED VARIANCES FOR JOSEPH MACLEAN AND MARJORIE DYER. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next was the application of **Cliff and Jill Thau** for a setback variance to 12 feet from the southerly line in order to permit proposed detached garage. Premises are known as **33 Old Main Road. TM #902-3-1-15.3**

**Cliff and Jill Thau** were both present. Mr. Thau submitted photos and renderings of the proposed garage and landscape screening of their property. He explained that the garage doors would be facing inward, and the lines of the proposed garage were designed to be as unobtrusive as possible. They explained that the attic would not have any habitable space. The board explained that variances were in place to address a hardship and that they did not have a hardship in as much as their situation was basically self-created. They had the right to build a garage, but wanting it closer to the property line than allowed by zoning codes, for design aesthetics, was not a recognized hardship. The board felt that granting the variance as requested would be setting a precedent, which they did not want to do. The Thaus felt that putting the garage in a conforming location would block part of the front of their house, and they did not want to do that. They also felt there were other houses on their street that had nonconforming setbacks. They were hoping that the board would give their variance request a second thought before making a final decision. The board also asked the Thaus about putting the garage in another location, such as the back of the house. Mrs. Thau said that because they were in a flood zone, it would jeopardize the structure if there was any future flooding.

**DECISION: THE THAU APPLICATION WAS ADJOURNED TO THE NEXT MEETING FOR FURTHER CONSIDERATION.**

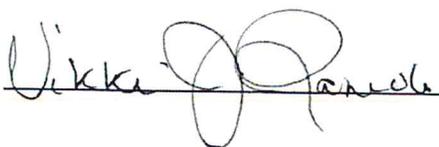
6) Next was the application of **Gary Knotoff** for a front yard variance to 53.4 feet, a rear yard variance to 24.3 feet and a height variance within required yards to 28'6" in order to

permit proposed addition/alteration to existing house. Applicant also requests a front yard variance to 49.4 feet for front porch. Premises are known as **4 Post Lane. TM #902-10-2-42**

Architect **Diane Herold** was present for the applicant. She explained they were working with an undersized parcel. In April of 1955 the Zoning Board of Quogue granted requested variances to their property and at the present time, they were asking for the same setbacks that were granted for the property by a prior Board. She explained the variances granted for 2 Post Lane, and felt that 4 Post Lane was similar and that they were therefore conforming to what was happening in the neighborhood. She exhibited photos of houses in the neighborhood that had similar variances granted. The Board felt that the Knotoff variance requests were rather significant. They felt the architect was effectively taking a rather small, undersized, one-story house, and making it a very large, multi-bedroom two-story house, on an undersized lot. The Board had received two letters from neighbors, in opposition to the requested variances which they gave to Ms. Herold for review. The board explained that they would not grant the requested variances and plans as presented to them. The board suggested that if the applicant reduced their relief requests for reconsideration, the application could be adjourned to the next meeting.

**DECISION: THE KNOTOFF APPLICATION WAS ADJOURNED TO THE NEXT MEETING.**

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO ADJOURN THE MEETING. MR. RYAN MADE A MOTION TO ADJOURN THE MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED. THE MEETING WAS ADJOURNED.**

Respectfully submitted by:  File date: 1/29/16