

**ZONING BOARD OF APPEALS  
SATURDAY, JULY 27, 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 held on **Saturday, August 24, 2013, at 4:00 PM**. He then moved to approve the minutes of the June 29, 2013 meeting.

**DECISION: MR. LEWIS MOVED TO ACCEPT THE MINUTES OF THE JUNE 29, 2013 MEETING. MR. MULLEN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) Since there were no new applications to be heard, Mr. Lewis started with the holdover application of **William and Mary Kerr** for a written decision.

**DECISION: MR. LEWIS MOVED THAT THE BOARD ACCEPT INTO THE RECORD THE WRITTEN DECISION FOR THE KERR APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the holdover application of **Martin Frederic Evans**. Attorney **Robert Kelly** was present for the applicant, and **Mr. and Mrs. Evans** were also present. Mr. Kelly had previously submitted a packet to the board which contained information showing that they lowered their proposed house, and they submitted an alternate design as per the board's request. Their neighbors indicated that they would prefer Mr. Evans kept the existing garage instead of raising the house to go underneath for a garage. So instead of going underneath the house for parking, the Evans now proposed to keep the house at the minimum, so the first floor would be at 10 feet above sea level, which would leave 2 feet for free board. The roof- ridge would be at 29 feet 8.3/4<sup>th</sup> inches so it would be 5 feet below what the code allowed for maximum height. They would still need the side yard height variance. The slight addition to their original application was that since they were no longer putting the duct work and furnace underneath the house, they were proposing a 4 foot high utility room, underneath the windows on the first floor, for the furnace. The house would still be shifted a little to the east, taking it from 2 feet to 10 feet from the

west side property line. But the house cannot be shifted any further to the east or they will not have room to turn the car around. There will not be a driveway to the existing garage, which will be used for storage, resulting in a good sized reduction in driveway. Mr. DePetris indicated that things were exactly the same as their 7/18/2013 revised survey, and their original application except for the height being lower because of the elimination of the underneath garage, and the addition of the proposed 4 foot high furnace room. They had also added a few steps coming up the side for entrance since they would not have an entrance from underneath the house. Mr. Kelly also explained that the dormer going on the rear of the second story would be 21.4 feet from the west side, making it 3.6 feet horizontally into the side yard, requiring a variance. The height was the same as rest of the house.

One of Mr. Evan's neighbors, **John Cooney**, came forward to explain that Mr. Evans had been working with the neighbors, who were all glad that the height of the proposed house had been lowered. Mr. Cooney and the other neighbors were now in agreement with the proposed application. Mr. Evans the property owner, explained that he had spoken to the neighbors about lowering the ground floor and also taking out 1 foot of ceiling height for the first floor and they were now all in agreement with the final proposal. Mr. Kelly made it clear that they were only going to reconstruct the second floor, taking it off and rebuilding it, and adding the dormers. He explained that they would be lifting up the first floor to put the piles in and then lower it. They would be running wires throughout to be connected to the second floor. **Mr. Iannone**, the architect, explained they would be adding only 60 SF to the footprint, part of which is for the 4 foot furnace compartment. Mr. DePetris wanted to make it clear that the revised proposal is shown on the survey last dated 7/18/2013, and on the architects plans dated July, 2013.

**DECISION: MR LEWIS MOVED TO GRANT THE APPLICATION IN ACCORDANCE WITH THE REVISED PROPOSAL AS SHOWN ON THE SURVEY LAST DATED JULY 18, 2013, AND AS SHOWN ON THE ARCHITECTS PLANS DATED JULY 2013. THE APPLICATION WAS GRANTED SO AS TO INCLUDE RECONSTRUCTION OF THE EXISTING SECOND FLOOR TOGETHER WITH THE PROPOSED ALTERATIONS AND ADDITIONS THERETO. IT WAS THE BOARD'S UNDERSTANDING THAT THE EXISTING FIRST FLOOR WOULD NOT REQUIRE RECONSTRUCTION BUT ONLY MINOR MODIFICATIONS, WHICH WOULD ALSO BE ALLOWED. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the holdover application of **David Marr**, of **61 Dune Road**. His attorney, **Lisa Kombrink**, was not present, but in a letter she asked the board to keep the record open so she could appear at the next meeting for further discussion of the application. Mr. Marr came forward saying he would not be able to attend the next couple of meetings, so wanted to make some comments at this time. The board commented on the amount of new decks they saw on his proposed application. They explained that they would need as much detail as possible as to exactly what Mr. Marr really had in mind to do on his property so they could make a judgment as to whether it would all be beyond

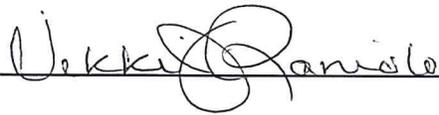
the boundaries of what they would be prepared to grant as variances or whether there were ways the application could be modified and make it acceptable to Mr. Marr and beneficial to his neighbors. Mr. Marr's architect was not present. Mr. DePetris mentioned that the survey now shows the height measured from the mean elevation of the center line of from Dune Road, and also shown on the survey was the height data for the existing dwelling and the proposed raised dwelling. He also indicated that the only height variance within a required yard, that had been requested, was for building "A". With respect to all 3 buildings, the plans did not show the setback from a lot line and the height in relation to that. Their architect needed to depict, with notes or a setback line on their plans, what parts conforms to the height within a required yard and what did not. They needed to supply data in a verifiable form on their plans. Also, while the survey included a footprint, it did not seem to include outlines or marks showing what is first story and what is second story, and that information needed to be clearly depicted on their survey. All this information was needed in order for the board to have a full understanding of the application. The board also suggested that Mr. Marr consider moving the dwelling that was closest to the canal, further west.

Attorney **Kittric Motz** representing the neighbor, Mr. Weiner, explained that the more spread out Mr. Marr's 3 dwellings were allowed to be, the more they blocked the ocean view of the neighbor across the canal. She also drew attention to a few discrepancies she found on Mr. Marr's plans that made them confusing to her. She felt the plans could be cleaned up and made more precise.

**DECISION: MR. LEWIS MOVED TO ADJOURN THE MARR APPLICATION TO THE AUGUST 24, 2013 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Before the meeting was adjourned, attorney Kelly came forward to make sure the board knew that his client would be removing old interior wall boards on the first floor, down to the studs, in order to insulate and update wiring etc. in the interior of the dwelling and in order to winterize the first floor of their structure. The board was in agreement with their work.

The meeting was adjourned.

Respectfully submitted by:  File date: 8/13/13