

**ZONING BOARD OF APPEALS  
SATURDAY, JANUARY 30 2016  
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 **December 19, 2015** meeting.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION. MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 19, 2015 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Mr. Treuhold said that the next meeting would be held on **March 5, 2016 at 3 PM**. He also explained that the application of **Gary Knotoff** was adjourned to the next meeting.

2) The first matter for discussion was the application of **Joshua and Katie Passman** for a side yard variance to 18.8 feet from the northerly side line and a height variance within the required yard to 26' 6" in order to permit proposed two-story addition to existing house. Premises are known as **83 Jessup Avenue. TM #902-7-2-17**

The property owner **Joshua Passman** was present for the discussion. He explained that when his in-laws come to spend time and stay with his family of four, the house is too small, so they were proposing to build two extra bedrooms and a two-car garage. He said he would need a side yard variance because his house would be 18.8 feet from the north property line. He said because the house was located almost directly in the middle of the property, there was no other location to put the garage. He explained that the addition would be above the garage and would be two feet above the maximum height allowed, while being 26.6' high at its maximum height. He added that they would not be over the allowed lot coverage, and they would basically be at half of the maximum gross floor area. Mr. Passman felt there was practical difficulty in constructing the addition with the bathroom and a functional garage because of the fairly limited area left due to the location of the existing septic system. He also felt that the difficulty was not created in as much as the house was quite old and was basically centered in the property leaving nowhere to position a garage without needing a variance. Given the size of the lot and

the fact that even with the proposed addition it would still only have 12% lot coverage, the Board indicated that they had difficulty understanding why the addition could not be located somewhere else on the property. The Board also wondered why the bedrooms were not connected on the second floor.

**William F. Heine**, Mr. Passman's architect, was present to explain the layout of the house and access to the proposed additional bedrooms. He explained that if necessary, they would eliminate the access from the garage to the bedroom addition, and integrate the rooms as part of the main house.

**John Sipala**, the neighbor at **81 Jessup Avenue**, came forward in opposition to the variance request. He and his wife felt that that the building lot had ample room to do what needed to be done without requesting any variances

The Board felt that the situation could be considered self created in that the Passmans purchased the lot with the limitations on it and then decided he wanted to build a two-car garage with a two bedroom addition above it. The Board felt the Passmans could relocate the addition or build their addition with one bedroom, and a one car garage without any variances. The Board wondered if the Passmans had considered turning the new garage structure so it faced north, since doing so would negate their need for a variance. They would have the same footprint, and the same square footage, and the garage doors would not be visible from the street, which would be more desirable. Mr. Heine said they had investigated doing just that and found that they would lose all the light in the kitchen because of losing all the windows on that side. Mr. Treuhold explained that the Board was not convinced of the hardship aspect of their variance and felt that there were more alternatives that could be explored to get what they wanted without the need for a variance.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO DENY THE VARIANCE. MR. RYAN MADE A MOTION TO DENY THE PASSMAN VARIANCE. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**3)** Next was the application of **Denise E. Brosens** for a front yard variance to 49.5 feet from Quaquanantuck Lane, a side yard variance to 23.9 feet from the northwest line and a height variance within required yard in order to permit proposed reconstruction of existing house, a water setback variances to 45.9 feet and a street setback variances to 45.3 feet from Quaquanantuck Lane in order to permit proposed elevated terrace. Premises are known as **24 Shinnecock Road. TM #902-10-2-12.1**

Attorney **Kittric Motz** was present for the applicant. **Mr. and Mrs. Brosens**, and their son, **Peter Brosens**, were also present. The Brosens' architect, **David Stanton** was also present for the discussion. Mrs. Motz explained that her clients wanted to build a proposed one story house in the same footprint as the previous house which would be 15% smaller in terms of living space and entirely FEMA compliant. Because the Village

Zoning Code now includes project overhangs in the setbacks, the home may seem to be a little closer to the road, although it was not. Mrs. Motz explained that 389 SF. are outside the existing footprint, but a total of 1,142 SF. have been abandoned. Their proposed attached elevated patio and terrace would need a small variance. The height of the existing house was 26 feet and the proposed was four feet higher, partly because of the 2.3 foot FEMA freeboard. The balance was because of design. Architect **David Stanton** presented and explained drawings showing their proposed, more traditional shingle styled home which would entail removing the hip roof and replacing it with a gambrel roof, which would be higher only in the middle.

**Robin Maxwell**, a neighbor, wanted to know what the Brosens' master plan was with respect to landscaping. She also asked what the overall plan was given her concerns about the noise of construction for the next year or two, and asked where a future garage might be constructed. **Peter Brosens** came forward and explained to Mrs. Maxwell that they would come up with an amenable landscaping solution. They had no plans at the present to construct a garage and they were making no renovations to the cottage.

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

4) Next was the amended application of **Brendan** and **Rose Lavelle** for the following variances: a front yard variance and a height variance within the required front yard in order to permit proposed house (including covered front porch and entry steps) as more particularly described in the amended application; variances in order to permit proposed retaining walls as more particularly described in the amended application; setback variances from Quogue Canal and the proposed boat slip in order to permit proposed swimming pool and proposed deck as more particularly described in the amended application; a lot coverage variance to 20.8% for proposed improvements. Premises are known as **45 Dune Road. TM #902-13-1-6**

Attorney **Kittric Motz** was present for the Lavelles. **Mr. Lavelle** was also present. Mrs. Motz explained that after the last Zoning Board meeting, they made substantial alterations to their proposed construction. Now the home does not need gross floor area relief or side yard relief for the AC units. The house is now smaller in size and the only relief they are requesting is in the front for the retaining wall, the front porch steps, and eaves. With respect to the rear yard only 41 SF. of the rear deck does not meet the water setback. They had received a letter from an opposing neighbor, **Mr. Shank**, saying he was no longer in opposition to their amended application. They were still requesting to build the boat slip on the western side of the property. They now had a signed easement allowance from the neighbor. Mrs. Motz explained that if they were not on the Quogue canal, the pool would be permitted to be within 25 feet of the rear yard. She felt that their request was keeping with the neighborhood. Mrs. Motz sited many houses in the area that had been granted variances for pools within 25 feet or less of the canal. They were also requesting relief for the pool retaining wall, explaining that they would be applying

to get permission from the Trustees to bring in fill and grade the property up to the pool area, making only two feet of the retaining visible. That proposed retaining wall area would also be well landscaped, and pool equipment was proposed to be out of sight, under the pool deck. Mrs. Motz explained that the neighbor at **23 Leaward Lane, Mr. Hiltveit**, submitted two letters in opposition. She did not feel that the Hiltveit's comments reflected their revised, amended application. She did not believe the Lavelle's house would have any effect on any views from 23 Leaward Lane.

**Mr. Hiltveit** came forward in opposition to the variances. He felt that the zoning laws were fair and for the good of Quogue. He felt no more variances should be granted to that section of the canal. He felt the Lavelle house should be contained or constructed within the laws and regulations. He also felt their requested variances were substantial and were also self-created. Mrs. Motz responded to Mr. Hiltveit by explaining that one of their hardships was because of their undersized lot. She also wanted it noted that she was not the attorney for the Lavelles when they purchased the subject property.

Mr. Treuhold explained that given that there was an agreement in place between the Lavelles and their neighbor to the west, the Board would be ready to approve the boat slip in the proposed location. He explained that the Board did have an issue with the requested setback relief from the Quogue canal for the proposed swimming pool in as much as it was not a hardship, and it was self created to have the pool within the required setback, The Board also felt it was a substantial relief request on an undersized lot. Mr. Treuhold explained that the Board did feel that the 41 SF. requested relief for the deck was minor in substance.

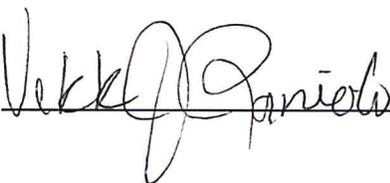
**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE ALL REQUESTED RELIEF WITH THE EXCEPTION OF THE SWIMMING POOL AND THE LOT COVERAGE VARIANCE. MR. RYAN MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next was the holdover application of **Clifford and Jill Thau** at **33 Old Main Road**. Landscape architect **Sue Wilcenski** was present to represent Mr. and Mrs. Thau, who were also present for the discussion. Mrs. Wilcenski had previously submitted surveys for the Board's review which helped explain the landscape design. She explained that there were existing mature trees on the site. In particular she highlighted a 40 year old, 13" caliper, Specimen Japanese Maple, and a large mature Pine. She also presented photographs of the trees in question. She explained that if they positioned the garage within the setbacks, besides the hardship of it blocking part of the front of the house, they would also have to remove the Japanese maple and the larger mature pine tree. She said that she spoke to arborists about transplanting the trees and they said it would not only be very risky, but it would also be very costly to move the trees, with no guarantees. To replace the Japanese maple would be approximately \$20,000.00. Her clients were proposing to landscape the garage from the road and neighbors. Mr. Thau explained that

as opposed to their original application, they were now requesting only 8 feet of relief from the side yard, with interior facing garage doors, screened by the trees.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE REQUESTED 8 FEET OF RELIEF FROM THE SIDE YARD WITH THE PROPOSED 22' X 22' GARAGE BEING SET BACK 17 FEET FROM THE SIDELINE. MR. MOTT MADE THE MOTION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The meeting was adjourned.

Respectfully submitted by:  File date: 2/22/16