

**ZONING BOARD OF APPEALS
SATURDAY, APRIL 9, 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. He asked for a motion to approve the minutes of the last meeting.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 5, 2016 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold said that the next meeting would be held on **Saturday, May 7, 2016, at 3 PM.**

3) First on the agenda was the application of **By The Sea II LLC** for a height variance in order to permit proposed house with its highest point at elevation 41.4 feet. Premises are known as **146 Dune Road. TM #902-16-2-1.21**

Attorney **Heather Wright** was present for the applicants, **Mr. and Mrs. Hutner**, who were also present for the discussion. Also present were the Hutner's architects, **John Sandgren** and **Peter Keller**. Ms. Wright explained that the property was created by combining 144 and 146 Dune Road into one lot. The old 146 Dune Rd had a preexisting, nonconforming two-story dwelling, located in the dune, with a deck, shower, and walkway to the beach. It did not comply with FEMA. Its height is 40.97' feet. In 2015 the applicants purchased 144 Dune Road, and that entire preexisting, nonconforming dwelling is also located in the dune, south of the coastal erosion hazard line, with a nonconforming side yard setback. This structure also does not comply with FEMA. The applicants propose to demolish both existing structures and construct one new, two-story, single family dwelling on piles. Lot coverage for the proposed new dwelling will be 17.3%, and the structure would be located entirely north of the coastal erosion hazard line. The new structure will also be FEMA compliant and compliant to all the village codes with the exception of the requested height variance of three feet to being the structure to the maximum elevation of 41.4 feet. The reason for the requested variance

was because their proposed house would be starting at a very low elevation, especially as compared to the surrounding dwellings. The applicants wanted to bring their house in line visually with the homes on either side of their proposed new house and inline with what the height would have been on the older structures, if those structures were not being demolished. The board had packets with surveys and other graphic information that explained the exact positioning of the proposed new dwelling. Ms. Wright also explained that they would be removing the two older nonconforming septic systems, and replacing them with one conforming system, north of the coastal erosion hazard line. Ms. Wright said that there would be a dune restoration plan included with their project. She also included a letter from the owners at **148 Dune Road** in support of their application. The architect **Peter Keller** came forward to explain that the guest rooms were physically attached with an enclosed hallway to the main house. They did not have a landscaping plan available yet. Mr. Keller said they would be happy to create a new walkway that would be conforming and essentially a straight shot right out from the new house to the beach. Ms. Wright explained that a preexisting slate area of one of the decks will also be removed

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE BY THE SEA II LLC APPLICATION. MR. RYAN MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED. Mr. Treuhold included in the record that the Hutners would be removing the slate area and amending their plans with respect to the new walkway.

4) Next was the application of **Douglas Peters** and **Constance Jones** for a setback variance in order to permit existing garage with setback of 22.2 feet from Post Lane and 38 feet from Dune Road. Premises are known as **115 Dune Road. TM #902-2-1-11**

Attorney **Heather Wright** was present for the applicants, who were also both present. They wanted to legalize the existing garage which has been in its current location for over 35 years. The owners are in contract to the sell the property and upon applying for an updated Certificate of Occupancy, they found out that the garage and shed had open building permits dating back to the 70's. They needed to get their situation regularized in order to go forward with the sale. Ms. Wright said the buyers were going to do some renovations to the home, but she did not know if the buyers were going to be requesting any relief for their renovations.

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

5) Next was the application of **David** and **Scott Neff** for a setback variance to 23.1 feet from easterly line for existing tennis court and for a lot coverage variance to 20.9% for

existing structures and proposed outdoor shower deck extension and spa deck extension. Premises are known as **18 Indian Pipe Drive. TM #902-2-2-61.9**

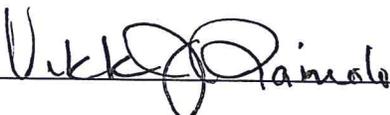
David Neff was present for the application. He submitted some updated surveys, information, and photos in reference to his application. Mr. Treuhold explained that the Board was not worried about the mistake made 20 years ago with the positioning of the tennis court. The Board did feel that there was probably a way to bring the lot coverage into conformity as opposed to adding to it. Mr. Neff said they were requesting an outdoor shower deck addition and spa deck extension, which would add a small amount to the lot coverage nonconformity. The Board felt there were things that could be done, alternatives they could explore to bring the lot coverage down to 20%. The Board felt it did not prove hardship to request an increase in an already nonconforming lot coverage in order to permit adding an outdoor shower and spa decking.

DECISION: THE BOARD DECIDED TO ADJOURN THE APPLICATION TO THE NEXT MEETING.

6) In reference to the holdover application of **Gary Knotoff**:
Mr. Treuhold wanted the record to reflect that Mr. Knotoff submitted revised plans with respect to his application. Such plans were consistent with what had been discussed and approved at the March 5, 2016 Zoning Board Meeting.

7) The application of **Samuel Cohen** for a lot coverage variance to 21.1% and a front yard variance to 48.1 feet from Deerfield Way in order to permit proposed garage at **2 Old Fields Lane**, was held over to the next meeting.

The meeting was adjourned.

Respectfully submitted by:  File date: 6-3-16