

**ZONING BOARD OF APPEALS**  
**SATURDAY, MAY 07, 2016**  
**3:00 P.M.**

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

**Absent:** T. David Mullen

1) Chairman Treuhold brought the meeting to order. Although there were a few minor corrections needed, he asked for a motion to approve the minutes of the **April 9, 2016** meeting.

**MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 9, 2016 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The Board set the next meeting date as **June 11, 2106, at 3 PM.**

2) Next was the holdover 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 at **18 Indian Pipe Drive**. David Neff was present for the discussion. He explained that in reference to lot coverage, they were now proposing to remove 474 SF of wood deck. After taking into consideration their proposed outdoor shower deck extension and spa deck extension, it would give them a net change removal of 346 SF, bringing them into conformance with the final lot coverage being 19.9 feet. The spa deck extension did not require a side yard variance.

The next door neighbor, **Jeff Miller**, came forward to explain his position. He had lived next door to the subject property for 27 years. He said he was not bothered by the fact that the Neff's tennis court exceeded its side yard limits, but he was bothered by the fact that the tennis court currently had two basketball hoops on it. He explained that in the past, when the Neff house had been rented for the summer, the type of playing on the tennis court would have been better suited for a playground, in that there would be up to ten players, as opposed to two and they tended to be quite rowdy. He also found it quite bothersome that there has not been any landscaping on the side of the tennis court between his property and the Neff's property. He explained that the way the sound traveled across the tennis courts, they have been awakened in the morning, and cannot take a nap in the afternoons if there is activity on the court. He has three elderly parents that stay with them in the summer and need to be able to nap in the afternoons. He

wanted the Board to allow the tennis court to stay but have the two basketball hoops removed, and wanted some kind of landscaping to be installed towards the Miller's side of the court to help create a sound buffer. David Neff explained that they could look into landscaping on the Miller side of the tennis court. He added that there was one permanent basketball hoop and one portable one. The Board decided to consider the application further in executive session before rendering a decision at the end of the meeting.

3) Next was the application of **Steven and Debra Giuffre** for a variance in order to permit proposed boat lift. Premises are known as **19 Old Point Road. TM #902-5-1-9**

**Mr. Steven Giuffre** was present along with his two sons. He explained that he has been a resident of Quogue for the past 35 years. When he purchased his house on the water, he assumed he would be able to get a boat lift permit for his boat only to find out that two years earlier the Village had enacted a law prohibiting boat lifts. Through some research, Mr. Giuffre found that this was partly because someone on the canal had owned and operated a very loud boat that, while in operation, shook the surrounding homes. He did note that there were approximately 12 boat lifts in use on the canal already. He explained it was a hardship in that he hired a professional to acquire the DEC permits, it took a year to work on, and he had a floating dock designed to coincide with the boat lift. He said he spoke to the Town Trustees and then to the DEC who told him the lift needed to be on the inside, making it less intrusive, and further from any navigational waters. The type of lift that he purchased did not have a bar on top, making it less intrusive. He has had no complaints from any of his neighbors about his boat. Mr. Giuffre explained that because of the winds in his area, he is worried that his boat will get knocked and banged around without the lift.

**MR. TREUHOLD ADJOURNED THE GIUFFRE APPLICATION FOR A WRITTEN DECISION.**

4) Next was the application of **Brendan and Rose Lavelle** for setback variances to 30.4 feet from Quogue Canal and to 18.4 feet from the proposed boat slip in order to permit proposed swimming pool and, if necessary, a variance to extend the previously approved retaining wall in the easterly side yard. Premises are known as **45 Dune Road. TM #902-13-1-6**

Attorney **Kittric Motz** was present for the applicants. Each Board member had already received a packet of pertinent information in reference to the Lavelle application. Mrs. Motz's clients had made significant redesigns of the project. They had moved their project farther back from the canal. They had reduced the size of the swimming pool. Their revised lot coverage would now be 19.82 %, so they no longer needed a lot coverage variance. Since the pool is proposed to be built at grade level, the previously proposed retaining wall is now gone. The swimming pool was now proposed to be twelve feet wide, making it 25% narrower. It was also proposed to be closer to the

decking and farther to the west. There will be no surrounding landscape material to look at in the winter. In reference to the Quogue Canal, they are now 35.5 feet from the canal at the farthest point and 30.4 feet at the closest point, making them significantly farther back from the canal. In reference to the sanitary retaining wall, Mrs. Motz was not sure that they needed a variance, but wanted the Board to know that she was paying attention to all possible issues. Mrs. Motz said they had received a letter from the easterly neighbors, the Shanks, expressing that they had withdrawn their objection to the swimming pool project. Mrs. Motz did not believe that granting their variance to build a swimming pool would create any negative impact on the community. Mrs. Motz did not think there would be a fence along the canal, as the Lavelle's children are older.

**Mr. Carl Hiltveit**, a neighbor across the canal, came forward to explain his objections to the Lavelle's application. He felt that any further water setback variances along the Quogue Canal, including the Lavelles', would have a negative impact. He felt that in their third application, the Lavelles are still trying to get too much on their property, and are trying to wear the Board down by continuing to come back with a different application. He felt the purpose of the Village Code was to protect the villagers from those who feel that at any cost they can have it their way. He felt the law was specific and very unambiguous whenever a case is to be decided. He felt granting the variance would be setting a highly undesirable precedence. Mrs. Motz asked Mr. Hiltveit to show her on a photograph of local properties, where his specific property was located. Mr. Hiltveit pointed it out, at which time Mrs. Motz asked him if he had ever applied for a variance for his property. Mr. Hiltveit replied that he had never applied for any variances for his property. After marking Mr. Hiltveit's parcel on seven copies of the same photo, Mrs. Motz submitted the photos to each Board member for review. She then explained that Mr. Hiltveit's parcel, as well as others shown on the photos, had structures closer than 50 feet to the canal. She also pointed out that Mr. Hiltveit had a rather large boat slip and surrounding deck that was definitely in the side yard, and should have had a variance. While pointing out that Mr. Hiltveit had already admitted that he had not applied for any variances for anything on his property, Mrs. Motz felt that perhaps through some oversight Mr. Hiltveit did not realize that he needed variances for his own property.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE LAVELLE APPLICATION. MR. RYAN MADE THE MOTION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

5) Next was the application of **Lisa Cear** for a front yard variance to 56.9 feet in order to permit proposed front porch addition to existing house. Premises are known as **4 Hidden Path. TM #902-3-4-11.5**

The property owner, **Lisa Cear** was present for the discussion. She explained that her proposed house renovation included a proposed front porch that encroaches into the front yard. The Board wanted to know the history of the wood shed on her property which was

within a required side yard setback. They could not find any evidence that a variance was ever obtained for its construction or location, and it did not appear to be on any previous surveys. Mrs. Cear explained that the family had limited storage on the property and that the shed contained their bicycles and the like. The Board explained that her shed was too close to the side yard line, and had been built without obtaining a variance to permit it to be built within a required setback. Mrs. Cear explained that she had not been aware of the problem and that knocking it down and building a new shed would be too costly for them to handle at this point in time. She said the shed was shown on her survey when she purchased the property, so she never assumed it was a problem. The Board felt her present requests for relief was fairly minimal but wanted her to figure out something with reference to the shed because there was sufficient question about its Certificate of Occupancy. They wanted her to follow up with the building inspector in reference to the shed.

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

6) After executive session, Mr. Neff came forward for his decision. The Board explained that there was an ordinance regulating basketball courts and basketball hoops and Mr. Neff was not entitled to have two hoops on his tennis court. He was entitled to have one basketball hoop but it had to conform to all setback requirements. The Board expressed that as a condition to granting Mr. Neff his variance, they would ask him to remove the second basketball hoop. In terms of the landscaping, they did not feel a formal condition needed to be added, but they asked that Mr. Neff be considerate of his neighbor Mr. Miller, and consider talking to him to see what could be done to ameliorate the situation. They suggested that if Mr. Neff did rent his property, he include a condition that in consideration of the neighbors, the renters not indulge in late night or load basketball games.

**DECISION: MR. TREUHOLD ASKED FOR A MOTION TO GRANT A SETBACK VARIANCE TO 23.1 FEET FROM THE EASTERLY LINE FOR THE EXISTING TENNIS COURT SUBJECT TO A CONDITION THAT THE LOT COVERAGE ON THIS PROPERTY SHALL NOT EXCEED 19.9% AS SHOWN ON THE REVISED PLANS DATED 4/29/16 AND SUBJECT TO A FURTHER CONDITION THAT ONE BASKETBALL HOOP SHALL BE REMOVED. MR. MOTT MADE THE MOTION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The meeting was adjourned.

Respectfully submitted by: Nick D. Daniels File date: 6-3-16