

**ZONING BOARD OF APPEALS
SATURDAY, JUNE 11, 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) Mr. Treuhold brought the meeting to order. The first item of business was the approval of the minutes of the last meeting. Mr. Treuhold asked for a motion to approve the minutes.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 7, 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, July 16, 2016**, at **3 PM**. He also explained that there had been adjournment requests for **31 Bay Road** and **2 Old Field Lane**. He asked for a motion to approve the two adjournments.

DECISION: MR. RYAN MADE THE MOTION TO ADJOURN THE APPLICATION OF 31 BAY ROAD AND THE APPLICATION OF 2 OLD FIELD LANE TO THE NEXT MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(3) Mr. Treuhold explained that the Board had prepared a written decision in reference to the variance application for **Steven** and **Debra Giuffre**. He asked for a motion to approve the decision. (See attached written decision)

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE WRITTEN DECISION FOR STEVEN AND DEBRA GIUFFRE GRANTING THEIR VARIANCE APPLICATION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

(4) Next was the application of **Jason and Diana McCarty** for a variance in order to permit detached garage/pool house with a second floor used for storage and accessory home office purposes. Premises are known as **13 Bay Road. TM #902-6-1-9.2**

Attorney **Wayne Bruyn** was present for the applicants. He explained that his client purchased the property in July of 2013. The CO that was issued in 1987 was for a one story garage and pool house. The code was changed in 1998 making it illegal to have a pool house and a garage attached, or as one structure. The size and height of an accessory structure had also been limited in 2000. When his clients purchased the property there were interior stairs and a second floor with beds, and kitchen facilities. Mr. Bruyn's clients were seeking a variance to legalize the second floor as an accessory home office, not as living quarters. They had previously submitted to the board, new plans showing their design for the new home office. Mr. Bruyn submitted photos of the interior space, explaining that the beds and kitchen facilities would all be removed. They would not be changing the exterior. He also explained that because his client's business was all online, there would be no employees or delivery trucks coming and going. Mr. Bruyn explained that in order to comply, the building inspector indicated that the entire second floor would have to be ripped out, with a cost estimate to his clients of about \$18,000.00, which was an unanticipated cost. Mr. Treuhold explained that the Village rules are specific in saying that it is not permitted to have a second story in a garage or accessory structure. To clarify things, Mr. Treuhold reiterated that Mr. Bruyn's clients would remove the plumbing, but the heat and the AC would remain. Mr. Bruyn confirmed, and added that any kitchen facilities and all beds would also be removed. The chairman explained that the board wanted to consider the application a little further before rendering a decision. The Board indicated that Mr. Bruyn was essentially talking about 194 SF. of space with a height greater than five feet that was usable space, the remaining space being under the eaves.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO ADJOURN THE MCCARTY APPLICATION PENDING A WRITTEN DECISION. THE MOTION WAS UNANIMOUSLY APPROVED.

(5) Next was the application of **Edgar and Janet Sands** for a setback variance to 23.6 feet from the westerly line for the deck and a yard variance to 29 feet from the westerly line for the house. Premises are known as **Unit 6, Jessup Landing Condominium. TM #902-3.1-1-6**

Attorney **Kittric Motz** was present for the applicants. Also present was **David Kepner**, the managing member of the developers. Mrs. Motz explained that there was a builder's error in reference to the deck constructed to within 24.6 feet at the farthest point away from the rear yard, and to within 23.6 feet to within the closest point, where 20 feet was required for a triangular variance. The residence was constructed one foot to close to the rear setback yard. The deck is consistent with the proposed deck that was shown on the original plans for construction. She had submitted a packet to the Board which showed the position of the house in relation to the surrounding community as well as any

structures on Montauk Hwy. Mrs. Motz explained that to move the house for a 10.8” mistake would create an incredible hardship on the owner/developer. To cut a portion of the deck would effect the symmetry of the deck as well as the underlying joist and other aspects of the construction. She felt the variance request was not substantial.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE SAND’S VARIANCE. MR. RYAN MADE A MOTION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Mrs. Motz explained that because the building inspector inspected the entire community and other issues were then discovered, she wanted the Board to be advised that in the upcoming future, she would be representing the builder before the Board with other variance requests in order to get everything cleared up. She said the builder was **J.L. Quogue Development**, which was owned by David Kepner.

(6) Next, was the application of **James Helmus and Kristin Sansone** for a setback variance to 23.1 feet from the southerly line in order to permit proposed second floor balcony. Premises are known as **30 Wintergreen Way. TM #902-3-4-36.**

Architect **D. Van Tassel** was present to represent the applicants, who were also present. He submitted drawings for the Board to review. He explained that based on privacy concerns of the southerly neighbor, they had made a modification to their request retracting the balcony and just requesting a porch. Dimensionally it was the same. The Board wanted to know the situation with the shed that was mentioned in the original application, and explained that the applicants would need to have a variance if the shed was located in a required set back. The Board did not feel that the application was complete. Upon inspecting the property, the Board had also noticed an existing deck that appeared to be located in a required setback, which would also require a variance. Mr. Van Tassel said he was not aware of the problem with the existing deck. Since there seemed to be more issues that needed to be addressed, **Mr. DePetris**, the Village Attorney suggested that the owners go back to the building department, give them a survey of what is existing on the property without any proposed things on it, and then the building department could review all existing structures on the property for any issues. The application, as submitted, could not be approved. The owners wanted to request an adjournment. Mr. DePetris explained that they needed two things before they appeared before the board again; an existing condition survey, that showed everything on the property at the present time, as well as a survey showing any proposed additions and changes.

DECISION: MR. TREUHOLD ASKED FOR A MOTION. MR. MOTT MADE A MOTION TO ADJOURN THE HELMUS/SANSONE APPLICATION WITHOUT PREJUDICE. MR. RYAN SECONDED MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

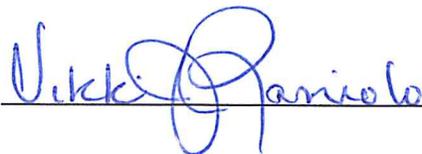
(7) Next was the application of **Daniel Gurskis and Jennifer McLogan** for a height and visibility (open space) variance in order to permit proposed wood fence six feet in height from the street along the length of the northerly side line. Premises are known as **111 Jessup Avenue. TM #902-7-2-24.**

Mr. and Mrs. Gurskis were present for their application discussion. They presented photos showing their property from different angles. Mr. Gurskis explained that in an effort to make it possible for them to park their cars more efficiently, his neighbors had clear-cut the side of their property closest to Mr. Gurskis' home. Along with removing what little privacy there was between the two homes, it also enabled the neighbors to park their cars closer to Mr. Gurskis' home. Mr. Gurskis explained that more recently his neighbors had removed vegetation around their swimming pool. There is already a six foot vinyl fence around the neighbor's swimming pool. Mr. Gurskis was proposing a six foot high wooden fence of high quality, with a 50 foot set back from the road, extending 26 feet in front of their house. He used the photos to show where the proposed fence would be located. He explained that his fence would extend 32 feet beyond the back of his house, running the length of their neighbor's swimming pool fence. His proposed fence would remain a natural wood color and have the same look on both sides.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE GURSKIS/MCLOGAN FENCE APPLICATION. MR. DEPETRIS WORDED THE MOTION AS GRANTING A HEIGHT AND VISIBILITY (OPEN SPACE) VARIANCE IN ORDER TO PERMIT THE REVISED PROPOSED WOOD FENCE SIX FEET IN HEIGHT ALONG A PORTION OF THE NORTHERLY LINE BEGINNING AT A POINT FIFTY FEET FROM JESSUP AVENUE AND EXTENDING WEST FOR A LENGTH OF 120 FEET, SUBJECT TO A CONDITION THAT THE FENCE BE A NATURAL WOOD COLOR AND NOT PAINTED. MR. MOTT MADE THE MOTION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:



File date: 7-18-16