

**ZONING BOARD OF APPEALS  
SATURDAY, AUGUST 13, 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 July 16, 2016 meeting. Mr. Treuhold asked for a motion to approve the minutes of the July meeting.

**MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 16, 2106 MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

- 2) Mr. Treuhold said the next meeting would be held at **3PM on Saturday, September 24, 2016.**
- 3) Mr. Treuhold said there were written decisions for two holdover applications: **James and Diana McCarty** and **Stanley and Vivian Picheny**. He asked for a motion to approve the McCarty decision.

**DECISION: MR. AMES MADE A MOTION TO APPROVE THE WRITTEN DECISION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 4) Mr. Treuhold asked for a motion to approve the written decision for the Picheny application.

**DECISION: MR. RYAN MADE A MOTION TO APPROVE THE WRITTEN DECISION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 5) The **Weinberg** application for **238 Dune Rd** has been adjourned to the September 24, 2016 meeting at the request of the applicant's attorney.

- 6) The first new item on the agenda was the application of **Constance S. Jones** for setback variances from the northerly line to 27.7 feet for the existing house, to 23.5 feet for existing screen porch and to 20.6 feet for existing deck. Premises known as **Unit 10, Jessup's Landing Condominiums. SCTM# 902-3.1-1-10.**

Attorney Kittric Motz was present for the applicants. She explained that the developer, David Kepner, has done a compliance review of the 26 of the 31 units already built or under construction, and errors have been detected. She explained that a Certificate of Occupancy had been previously issued by mistake for this property. Mr. Treuhold said that this was the 3<sup>rd</sup> request for relief in this project and a 4<sup>th</sup> request was also to be heard at this meeting, regarding building errors that were made. He referenced the property survey, which showed that Unit 9 would possibly also need a variance. He also referenced Unit 24 which had been before the Board at the July meeting, in which a variance was granted for the foundation, but the deck would need to be moved in order to conform, as the Board is less inclined to grant a variance for accessory structures. Mr. Treuhold was concerned about the rest of the units. Mrs. Motz asked if since this unit has already closed, and a CO was mistakenly issued, this request could be granted. Mr. Treuhold understood that this is a difficult situation, and wanted to hear the application of Unit 22 before the Board decides.

- 7) Next was the application of **JL Quogue Development, LLC**, for setback variances from the westerly line to 26.1 feet for the existing house, to 19.9 feet for the proposed patio and to 23.9 feet for the proposed steps. Premises known as **Unit 22, Jessup's Landing Condominium. SCTM # 3.1-2-6.**

Attorney Kittric Motz was present for the applicant David Kepner, the managing member of the property. She explained that Unit 22 was a tougher situation, as the foundation had been poured according to the accessory setback instead of the principal dwelling setback. Mr. Kepner explained that the mason for the project got confused between the accessory and primary setbacks, and by that time it was discovered, the house had already been framed. Mr. Kepner said that the proposed patio could be moved to a conforming location. Mr. Treuhold indicated that the Board would like to see a survey showing the patio and steps in a conforming location. **Mr. Treuhold indicated that both this application and the application for Unit 10 should be adjourned until the September meeting to give time for the applicant to provide the corrected surveys.**

- 8) Next was the application for **BNT Holdings, LLC**, for a variance in order to permit proposed alterations to nonconforming guest house, a variance in order to permit proposed reconstruction and alteration (which includes raising the height) of nonconforming pool house, and setback variances to 16.4 feet from westerly line for proposed pool equipment and to 12.1 feet from easterly line for proposed generator. Premises known as **28 Dune Road. SCTM # 902-12-2-17.**

Attorney Kittric Motz was present for the applicant. Mrs. Motz explained that this property and structures have existing Certificate of Occupancies, including an updated

CO which was issued In June of 2014. They are looking to do renovations and will not change the footprint of the home. The lot coverage will be reduced from 33.2% to 30.5%. The work will be done primarily in the X zone. They will not have to lift the main house to make it FEMA compliant. The roof line of the main house will be reduced from 16 feet to 9.33 feet. The pool house has a CO for sleeping and kitchen facilities. The pool house would have to be raised to be FEMA compliant, and they are willing to give up the sleeping and kitchen facilities. Josh Rosensweig from Austin Patterson Disston spoke about removing the retaining walls and fill, raising the pool house, and moving the pool equipment. The Board asked if the PCV 6 foot fence would be removed. Mr. Rosensweig said they would be removing the part on the east, and the fence on the west they would leave as it is covered in brush. Mr. Treuhold thought that the COs for the two accessory structures with living quarters might have been mistakenly granted. He would like to see the building permits and original surveys to show the history of how they were granted. Kittric Motz told the Board they would be giving up the living quarters in the pool house. Mr. Treuhold said the pool house is twice the size of what is allowed in the Village. Josh Rosensweig spoke about the layout of the pool house. Mr. Treuhold asked if anyone would like to be heard in this matter. No one came forward. **Mr. Treuhold indicated that the Board thought this matter should be adjourned to the September meeting for the Board to review the history of the accessory structures.**

- 9) Next was the application of **Hercules and Mary Sotos** for a front yard variance to 48.1 feet from Meadow Lane and a height variance within the required front yard to 33.55 feet in order to permit proposed house. Premises are known as **5 Meadow Lane. SCTM # 902-7-1-11.7.**

Attorney Kittric Motz was present for the applicants. She explained that this parcel was created in 1989, and predates flagpole lots in the Village. The owners have health issues, and need handicap accessible rooms. There is a paper road through this property that was required at that time. This paper road is the reason for the street setback variance. She explained that they would be 148 feet from the actual paved part of Meadow Lane. Also, there are significant wetlands on the property and has a large required buffer area. This limits the building envelope. Mrs. Motz felt these variances were not substantial. The neighbor at 7 Meadow Lane, Mr. Kelly, asked to speak on this matter. He had a very strong objection to the garage with the room above it being built parallel to his house. He felt if this variance was approved, it would increase the value of the Sotos home and decrease the value of his. He did not feel this application qualified as a true hardship. Mrs. Motz responded that she has discussed this matter with Mr. Kelly, and the house can't be flipped because of the sanitary system. She also pointed out that Mr. Kelly's property, 7 Meadow Lane, had received a substantial variance in 1992 to build this house 10 feet closer than the permitted side yard variance. Two other variances have also been issued for this property through prior owners. Mr. Treuhold said that the Village has a rule against second floors over garages, unless the garage and second floor are attached to the main house. Mr. DePetris went over the specifications in the code, specifically how main access to the interior room over the garage has to be from interior access located in

an integral part of the living area of the home. Josh Rosensweig and the Board discussed the location to the entrance to the 2<sup>nd</sup> floor. Mr. Treuhold thought the entrance to the garage should be brought closer to the direct living quarters of the home. He was also concerned about the height variance, and would like to see the room above the garage brought closer to the house to reduce the amount of the variance in the front yard setback. Mr. Treuhold asked if they could reconfigure the location of the room to reduce or eliminate the requested height variance, and comply with the intent of the code for access for rooms over a garage. Mr. Kelly still felt the impact of this room would be substantial to his property. **The Board adjourned this matter until the September meeting to provide the applicant with an opportunity to present revised plans.**

- 10)** Next was the application of **Pine Dunes, LLC** for a side yard variance to 24.2 feet from the westerly line and a height variance within the required side yard to 27.65 feet in order to permit proposed second story addition to existing house. Premises are known as **128 Dune Road. SCTM # 902-15-2-18.**

Attorney Robert Kelly was present for the applicants. He explained that this addition was for an extra bedroom. He said the neighbors have no opposition to this application. Mr. Treuhold asked if anyone would like to be heard or had any questions. There was no response. He asked for a motion to approve this application.

**DECISION: MR. MOTT MADE A MOTION TO GRANT THE REQUESTED VARIANCE FOR 128 DUNE ROAD. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 11)** Next was the application of **Maeve and Francis Pelligrino** for a total side yard variance in order to permit proposed additions to existing house. Premises known as **5 Pine Lane. SCTM # 902-3-4-12.**

Mrs. Pelligrino reviewed the application for a variance. The roof overhang encroaches 2 feet beyond current setbacks, and the deck encroaches 1.1 feet into the required setback. Mr. Treuhold asked for a motion to approve this application.

**DECISION: MR. AMES MADE A MOTION TO GRANT THE REQUESTED VARIANCE FOR 5 PINE LANE. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 12)** In reference to the holdover application of **Joseph and Christine Cavolo for 65 Montauk Highway**, no one was present for this application. **Mr. Treuhold indicated that as a result, this matter be adjourned until the September meeting.**

- 13)** Next was the holdover application of **James Helmus and Kristin Sansone for 30 Wintergreen Way**. Kittric Motz was present for the applicant, and explained that she

had researched the history of the property to answer the questions that the Board had at the last meeting. She explained that the request to build a balcony has been withdrawn. They want to build a porch over the existing deck. The Board would consider this a roof, covering the existing patio. She reviewed the history of the property including prior variances and Certificate of Occupancies. Mr. Treuhold asked about the other structures on the property that were brought up at the last meeting. Mrs. Motz explained that the shed will be relocated to conforming location, and the fence will be removed. Mr. Mott asked if this was an owner occupied single family residence. Mrs. Motz said it is. Mrs. Motz asked if the deck is allowed to remain as it currently exists, the Board said yes. Mr. Treuhold asked for a motion to approve this application.

**14) DECISION: MR. MOTT MADE A MOTION TO GRANT THE VARIANCE FOR A SIDE YARD VARIANCE TO 20.6 FEET FROM THE SOUTHERLY PROPERTY LINE IN ORDER TO PERMIT THE PROPOSED ROOF STRUCTURE OVER THE EXISTING DECK. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

The meeting was adjourned.

Respectfully submitted by: Denise Michalowski File date: 9/19/16