

**ZONING BOARD OF APPEALS  
SATURDAY, SEPTEMBER 24, 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 from the August 13, 2016 meeting. Mr. Treuhold asked for a motion to approve the minutes of the August meeting.

**MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 13, 2106 MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

- 2) Mr. Treuhold set the next date of the next meeting for Saturday, October 29, 2016. The time will be 11:00am to avoid a conflict with the Hampton Theater Company's performance. As there will not be a November meeting, the next date will be Saturday, December 10, 2016 at 3:00pm.

- 3) A request was received from **Gregory Hoogkamp** to renew a variance for **63 Dune Road**. A variance was originally granted February 17, 2007, and was last extended on March 30, 2013 for a 2 year period which expired in 2015. Due to recent FEMA changes, a new application will have to be submitted. Mr. Treuhold asked for a motion to deny this request.

**MR. RYAN MADE A MOTION TO DENY THE REQUEST TO EXTEND THE VARIANCE FOR 63 DUNE ROAD. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

- 4) The Board has received a request to adjourn the matter for **Weinberg at 238 Dune Road**. The attorney has requested an adjournment until November, but since there is no meeting in November, the Board will only grant the adjournment until the October 29, 2016 meeting. Since this matter has been adjourned a few times already, this will be the last adjournment granted.

- 5) The first matter is the application of **Matthew Blank and Susan McGuirk** for front yard variances to 73.2 feet and 74.3 feet and a height variance to 21.3 feet within the required front yard in order to permit the existing house as constructed. **Premises known as 3 Winnebogue Lane. SCTM# 902-7-1-55.8**

Attorney Kittric Motz was present for the applicants. This is a newly constructed home, which does not yet have a Certificate of Occupancy. The house has passed its final inspections, but when the as built survey was completed it was discovered that an error had been made. The North West corner of the house is 1.8 feet too close to Winnebogue Lane, and the South West corner is 8.4 inches too close. To move the house to correct the error would be a great hardship for the owners. They are asking for height relief of 5.3 feet because part of the balcony is in the required front yard. The house was originally designed to be completely compliant. Mr. Treuhold asked if anyone would like to be heard on this matter and no one came forward. The Board asked who the builder was and Mrs. Motz replied that the builder was Joe Spano and the surveyor was David Fox. Mr. Treuhold asked for a motion to approve this application.

**DECISION: MR. AMES MADE A MOTION TO GRANT THE REQUESTED VARIANCE FOR 3 WINNEBOGUE LANE. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 6) The next matter was the holdover application of **Constance S. Jones, Jessup's Landing Condominiums, Unit 10**. Kittric Motz was present for the applicants. No new materials have been submitted on this matter. After discussing the application for Unit 22, Mr. Treuhold indicated that the Board is concerned with the number of errors that have been made on this project. The Board wants to be assured that builder will work closely with the building inspector before foundations are poured to avoid any more errors on future units. Mr. Treuhold asked for a motion to grant this application.

**DECISION: MR. RYAN MADE A MOTION TO GRANT THE APPLICATION FOR JESSUP'S LANDING, UNIT 10, FOR SETBACK VARIANCES FROM THE NORTHERLY LINE TO 27.7 FEET FOR EXISTING HOUSE, TO 23.5 FEET FOR EXISTING SCREEN PORCH AND TO 20.6 FEET FOR EXISTING DECK. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 7) The next holdover application was for **JL Quogue Development LLC, Jessup's Landing Condominiums, Unit 22**. Kittric Motz was present for the applicants. The application has been amended, eliminating the patio request. The revised survey shows the request is for 23.9 feet for the steps to the deck, and to 26.1 feet for the house. Mr. Treuhold wanted to reiterate the concern about the number of errors that have been made

on the project which could have been avoided. Mr. Treuhold asked for a motion to approve the amended application.

**DECISION: MR. PEIFFER MADE A MOTION TO APPROVE THE AMENDED APPLICATION FOR JESSUP'S LANDING, UNIT 22, FOR SETBACK VARIANCES FROM THE WESTERLY LINE TO 26.1 FEET FOR THE EXISTING HOUSE AND TO 23.9 FEET FOR PROPOSED STEPS. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 8) The next holdover application is for **BNT HOLDINGS, LLC, 28 Dune Road**. Kittric Motz and Stuart Disston were present for the applicant. At the last meeting, the Board asked for a review of the history of the accessory structures. Mrs. Motz reviewed the submission of September 20, 2016. The submission included a copy of the March 18, 1970 building permit and photos of the plans, and guest or servant's quarters. The servant's quarters were attached to the main house by an open breezeway. Also included was a copy of the 1971 permit for a 15ft by 32ft 480sq ft pool house. The servant's quarters are the same size and shape and include 2 bedrooms, a kitchen, dining area and bathroom. The pool house was conforming in size in 1971. She believes that the new pool house code came in to effect after this was built. Mrs. Motz indicated that the architect calculated the pool house to actually be 516 feet because the width of the walls had not previously been taken into account. All of the structures have COs. The property changed hands in 2014, and an updated CO was issued. Mr. Treuhold asked if there were any alternatives to the plans that could reduce the variance. Mrs. Motz explained that the generator has to be in this location because of the poles and the conduit lines. She also indicated that they are relocating a great deal farther south of the costal erosion line. Mr. Treuhold asked if anyone else wanted to be heard in this matter, no one came forward. Mr. Treuhold asked for a motion to approve this application.

**DECISION: MR. MOTT MADE A MOTION TO APPROVE THE REQUESTED VARIANCE FOR 28 DUNE ROAD. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

- 9) Next was the amended holdover application for **Hercules and Mary Sotos, 5 Meadow Lane**. Kittric Motz was present for the applicant. At the last meeting, the Board had requested that the application be amended to become more compliant with the code. Mrs. Motz reviewed the amended application. They have reduced both the front yard variance and the height variance. They are now asking for a front yard variance to 49.4 feet from Meadow Lane, and the height variance within the front yard to 36.31 feet. They have made interior changes in the design of the garage. The length of the hallway has been

reduced by over 9 feet. The handicap ramp has been relocated to the inside of the garage. The staircase has been redesigned. Mrs. Motz feels that the changes that were made have made this an integral part of the living space of the home. Mr. Kelly, the neighbor at 7 Meadow Lane, spoke regarding trees to screen the view. Mrs. Motz said that the applicants have agreed to the trees. Mr. Treuhold recognized the efforts and felt that the changes that were made in the design made this more of an integral part of the living area of the home. Mr. Treuhold asked for a motion to approve the amended application according to the submission of September 21, 2016.

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

10) Next was the amended holdover application for **Joseph and Christine Cavolo at 65A Montauk Highway**. Edward Wolfersdorf was present for the applicants. He reviewed the amended application. The fence presently consists of ten 8 foot long sections of solid vinyl six foot fencing. The applicants now propose to reduce the most southerly 8 foot section to four feet in height and the two northerly 8 foot sections to four feet in height. This would reduce the relief sought from eighty feet of non-complying fence to fifty six feet of non-conforming fence. The two fences that connect the sides of the house to the east and west property lines will be reduced to 4 feet and will be in compliance. The applicants feel that the fence in the back is necessary to hide the equipment and trucks in the parking lot. Mr. Treuhold indicated that the Board does not like to approve solid plastic fences – wood stockade is preferred. The Board wanted to know who the fence company was who installed the fence. Mr. Wolfersdorf replied that it was Peconic Bay Fence Company. Mr. Treuhold noted that if a building permit had been applied for, none of this would be necessary. Mr. Treuhold wanted it to be on the record that the fence should not be visible from Montauk Highway. Mr. Treuhold asked for a motion to approve the amended request.

**DECISION: MR. RYAN MADE A MOTION TO APPROVE THE AMENDED APPLICATION FOR 65A MONTAUK HIGHWAY. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.**

The meeting was adjourned.

*Denise Michalowski, Deputy Village Clerk 10/29/16*