

**ZONING BOARD OF APPEALS  
SATURDAY, AUGUST 24, 2013  
4:00 P.M.**

**Present:** Chairman Ogden Lewis, T. David Mullen, Charles Mott, Alexander Ames, Robert Treuhold, and Village Attorney Richard DePetris

**Absent:** Brendan Ryan

1) Mr. Lewis brought the meeting to order. He said the next meeting would be on **Saturday, September 28, 2013 at 4 PM**. The board then approved the minutes of the August 24<sup>th</sup> meeting in to the record.

2) The first item on the agenda was the application of **Michael Rafferty** for a setback variance to 25.4 feet from the southerly line in order to permit proposed patio and swimming pool as shown on survey. Premises are known as **3 Sandacres Lane. TM #902-7-1-4.26**

Architect **Dean VanTassel** was present for **Michael Rafferty**. He explained that the owner was requesting to rebuild what was already there for which the previous owner had already received a variance in 2002. Mr. VanTassel indicated that the existing pool was in line with the proposed pool so they were trying to reduce the deck nonconformity by lot coverage and its proximity to the side yard and the neighbor. The neighbors to the west had written a letter, which the board had in their file, saying they were in favor of the application.

**DECISION: MR. LEWIS MOVED THAT THE RAFFERTY APPLICATION BE GRANTED. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the application of **Bill and Deni McChesney** for a variance in order to permit raising an existing nonconforming dwelling and constructing a proposed storage basement for such dwelling on property containing 5 dwellings. Premises are known as **18 Midland Avenue. TM #902-8-1-19**

**Deni McChesney** was present for the application along with her architect **Kevin Paul**. She explained that they wanted to raise the cottage to get some storage area under the cottage of 6.5 feet, which would definitely not be habitable. After which they propose to

reconfigure the cottage so they could retire to it. Mrs. McChesney said there would be no increase in the footprint or the living space. They wanted to put the utilities in the basement giving them more room in the cottage but there would be no living quarters in the basement. They would not be tearing down anything but would be doing new sheet rock-ing and updating the electrical. They would be putting on a new roof and new sides and changing only one inner wall, by taking two rooms and making them into one, and creat-ing 2 little studies or work areas. The cottage would end up being a one bedroom house. In order to make both sides of the cottage match, they were bringing up the currently ex-isting exterior walls, to the roof level which would raise the roof ridge 2 feet. By using the plans, the architect showed the board what they were proposing to do to the roof. The board decided to discuss the application further in executive session.

4) Next was the holdover application of **David Marr, 61 Dune Road**. Attorney **Lisa Kombrink** was present for the applicant. The architect, **Robert Gruber**, had submitted a revised survey and drawing to the board. The one-story dwelling closest to Dune Road was proposed to be moved further to the west, making it 30 feet from the side yard in- stead of its present position of 13.8 feet. They added a deck on the west side of the house, but they would still require a variance of 35 feet. They would not a require height variance for that structure. The middle two-story dwelling was proposed to be pivoted slightly and moved west. Its existing position was 41.6 feet from the canal and with the new proposal it would be 44.2 feet at its closest point, to the canal. For this dwelling they would require a variance for height in a rear yard. The two-story dwelling with a garage that is closest to the canal, was now proposed to be moved west, making it 20 feet from the property line to the east, requiring a side yard variance from 25 feet to 20 feet. On the canal side, that middle dwelling would be, 19.2 feet from the canal, at its closest point and the deck would be 14.6 feet at its closest point. They were also proposing to add first and second floor decks. This would require a variance from the rear yard on the canal side and also a height variance within a required rear and side yard. Ms. Kombrink sub- mitted packets to the board with information concerning similar variances granted for the Hoogkamp and Weiner properties. Mr. DePetris requested that for the record Ms. Kombrink put in writing, all the specifics for the variances that they were now requesting based on their revised plans. Ms Kombrink agreed to do so. He also requested that for the record, the height data be put in writing and Ms Kombrink explained that the archi- tect, **Robert Gruber**, had already submitted a letter containing the height information. In review of his letter, Mr. Gruber explained that the existing height of the one-story house in the front, was 21.1 feet to the peak and would be raised to 24.7 feet. The two-story middle house, is now 18.7 feet to the peak, and was proposed to be raised to 24 feet. The two-story house closest to the canal is at present, 19.6 feet to the peak, and is proposed to be raised to a height of 28.5 feet to the peak. That house will be raised a little higher than the others because the exiting house is about 5 feet below the flood plane, and after being raised it would be 4 feet above flood plane. Mr. Gruber confirmed that all the height data in his letter is based on the present zoning code. He also added that the basic grade of the property would come up to elevation 8 feet, to be high enough to support the new septic system. The board was wondering if the new decks could be lowered to the new grade so they would not appear so large, and they could perhaps provide stairs going up to the

decks. Mr. Gruber explained that they would be adding landscaping around the decks to soften the look, and would give the appearance of being lower. The two houses to the rear of the property have proposed second story decks that would be over existing first floor decks and would not increase any floor area and would not extend out past the house. They could be considered internal decks, which would be cut into the house, with rubber roofs under them. The board wanted to see the total square footage of all the new decking, first and second stories included. Mr. Gruber said he would provide that figure to the board. They also wanted Mr. Gruber to look into lowering the decks so they would not appear so large especially from the canal side. Mr. Gruber said he would give that his attention.

**Village Historian, Frances Ryan**, came forward to speak on the history of Beach Lane and Quogue. She briefly explained what existed in the past, and what is there now. Her hope was that the ZBA would help preserve the Marr houses. She submitted photos into the record. **Village Trustee, Jeanette Obser**, came forward to explain that she hoped that the board would consider the older homes that make up the character of the village, that they are worthy of receiving zoning relief. **Theodore Sklar**, attorney for Mr. Weiner, came forward to request time to review the new Marr plans and prepare his client as he had only received the plans the day before the meeting. He planned to be ready with a reply at the next meeting.

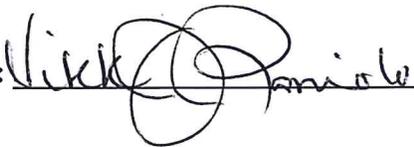
Ms. Kombrink summarized that they would submit a letter with the reliefs they were presenting requesting. They would have the survey corrected so the letters of the houses correspond to their original submission. They would also provide the board with written information, by structure, of the amount of first and second floor decking totals, along with the possibility of lowering the decks and/or reducing the amount of decking bulk.

**DECISION: MR. LEWIS MOVED TO ADJOURN THE MARR APPLICATION TO THE NEXT MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The board went into executive session.

5) After executive session the board ruled on the on the McChesney application.  
**DECISION: MR. LEWIS MOVED TO GRANT THE MC CHESNEY APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The meeting was adjourned.

Respectfully submitted by:  File date: 9/23/13