

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, MAY 11, 2019
3:00 P.M.**

Present: Chairman Robert Treuhold, Alexander Ames, Brendan Ryan, Bruce Peiffer, Pamela Chepiga, and Village Attorney Richard DePetris

Absent: Charles Mott

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the **March 30, 2019** meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 30, 2019 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The Board was happy to welcome **Pamela Chepiga** as a new alternate member of the Quogue Village Zoning Board of Appeals.

3) Mr. Treuhold said the next meeting would be held on **Saturday, June 8, 2019 at 11:00 AM** since there would be a matinee performance of The Hampton Theater Co. being held later that afternoon. The July meeting was tentatively scheduled for **Saturday, July 13, 2019 at 3:00 PM.**

4) The first item on the agenda was the holdover application of **Sheila Phillips, at 58 Montauk Highway**, for a minimum and total side yard variance in order to permit proposed deck enclosure and steps as shown on survey (including setbacks to 2.6 feet from westerly line for deck enclosure and 2.4 feet from westerly line for steps). **Sheila Phillips** was present for the discussion. As per the Board's request, Mrs. Phillips had submitted a revised survey, which the Board had reviewed. The Board wanted to know if the builder would have the walls of the new room one-foot setback from the edge of the existing deck? Mrs. Phillips said they would. Mr. Treuhold asked for a motion to approve the variance requests.

DECISION: The Board asked the Village Attorney, Rick DePetris, to detail the variances to be granted. WE GRANT MINIMUM AND TOTAL SIDE YARD VARIANCES IN ORDER TO PERMIT THE PROPOSED SCREENED PORCH ENCLOSURE WITH SETBACKS OF 3.6 FEET FROM THE WESTERLY LINE AND 25.4 FEET FROM THE EASTERLY LINE. WE GRANT SETBACK VARIANCES TO 2.6 FEET FROM THE WESTERLY LINE AND 24.4 FEET FROM THE EASTERLY LINE IN ORDER TO PERMIT THE EXISTING DECK TO REMAIN WITH ONE FOOT ON EACH SIDE OF

THE PROPOSED SCREENED PORCH ENCLOSURE. WE GRANT A SETBACK VARIANCE FROM THE WESTERLY LINE IF NECESSARY, IN ORDER TO PERMIT THE PROPOSED STEPS EXTENDING FROM THE REAR OF THE PROPOSED SCREENED PORCH ENCLOSURE AS SHOWN ON THE SURVEY HAVING A DRAWN DATE OF 4/09/19. WE GRANT SETBACK VARIANCES TO 20.9 FEET FROM EACH SIDE LINE IN ORDER TO PERMIT THE PROPOSED RELOCATED SHED. MR. TREUHOLD MOVED TO ADOPT THE MOTION AS STATED. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Mr. Treuhold explained that Kittric Motz, the attorney for **Christopher and Michelle Ewan**, had requested an adjournment of their application to the June meeting. Mr. Treuhold asked for a motion to adjourn the Ewan application.

DECISION: MR. PEIFFER MADE A MOTION TO ADJOURN THE EWAN APPLICATION TO THE JUNE MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) Next was the holdover application of **Gregory Hoogkamp at 65 Dune Road**, being represented by **Craig and Michelle Carbone**. Mr. Carbone asked if the survey he had submitted met with the Board's approval. The Board said that the Carbones had submitted the elevation plans for the proposed project which appear to show the existing grade, as well as the proposed grade six feet higher. It also showed what is in the required side yard. The Board said that since under the Village Zoning Code, height is measured from the mean elevation of the street, they needed to see the elevation height data from the street, which figures were not contained on the Carbones recently submitted plans. Mr. Treuhold asked the Carbones to make sure those figures were included on a survey, and to touch base with the Building Inspector when he returned, to make sure he had everything he needed. Mr. Carbone said he would have his surveyor identify the height as requested and include it on the survey. The Hoogkamp application was adjourned to the June meeting.

7) Next was the new application of **SL2 Holdings LLC** for side yard setback variances to 17.5 feet from each side line for proposed swimming pool, side yard setback variances to 14.5 feet from each side line for proposed patio and proposed pergola, side yard setback variances to 21 feet from each side line and a street setback variance to 13 feet for proposed shed relocation and proposed pool equipment. Premises are known as **39A Foster Road. SCTM #902-3-4-9**

Attorney **Gair Betts** was present to represent the property owners, the **Lees**, who were also present for the discussion, along with their landscape architect **Doug Nappi**. Mr. Betts said the sides of the property were very narrow and the area around it was also very nonconforming. Doug Nappi explained that on the west property line they were proposing to provide a four-foot high, pool compliant solid fence, with four to five-foot high privet screening behind it. The

Board said the fence height would be conforming but it could not be totally solid. The Board wanted to understand what the 'sundeck' was that was include in the pool. Mr. Nappi explained that the 'sundeck' was an area within the confines of the shallow end of the pool, which is not deep, in order to allow a person to relax in a lounge chair while sitting in the pool. He explained that there were also eight feet of stairs going into the pool. The Board asked what the height of the pergola was, and Mr. Nappi said typically they are between 10 and 12 feet. He also explained that on March 28, 2019, their revised drawing showed all of the fencing around the perimeter to be four feet high, instead of six feet in height. In reference to the proposed location of the shed, he explained that the neighbors to the east had expressed some concern that if the shed and pool equipment was closer to their living area, they would be disturbed by the noise. Mr. Nappi said they felt that it would be better to move the equipment closer to the highway, because at least it would be competing with the highway noise. They also proposed a four-foot sound absorbing fence around the pool equipment. Mr. Nappi said that they had written and distributed letters about their project, to the neighbors, and the neighbors on the east were supportive of their project. Attorney Betts reminded the Board that at 19 Scrub Oak Road, the Board had granted a similar variance in reference to a narrow lot with a pool.

Mr. **Joe DiCarlo at 93 Montauk Highway**, came forward in objection to the application. He explained that if the application was approved, the swimming the pool would be about 25 feet away from his bedroom. He felt the lot size was much too small for a pool to be in the proposed location. He said he was given a letter from the Lee family to sign in approval of their application but he would not sign it. He said the Lee family had put a renter on the subject property. The renter moved into the subject house at midnight on October 1, 2018, and had a barking dog which was waking his family up every morning. Mr. DiCarlo said he spoke to the renter, but the renter, who said she was an attorney, yelled at him, and sent detectives to his home the next day. He felt the Lee family, who owned the house, wanted the swimming pool to increase the value of their rental. **Joe DiCarlo Jr.**, who lived with his parents at 93 Montauk Highway, came forward to say that he felt the backyard of the Lee's property was much too narrow to have a pool as it would be too noisy and too close to the DiCarlo house. He felt that minor incidences at 39A Foster Road had been damaging to the health of his family. He said they have already been woken up between 11:30 PM and 2:30 AM with at least 30 people in the backyard of the rental laughing and talking. It was his feeling that the Board should block the variance application because the rental could become an ongoing nuisance for his family, especially with the swimming pool so close to their house.

In response to Mr. DiCarlo's complaints, Attorney Betts said that the renters were no longer in the house and that the DiCarlos should have said something to Mr. Lee the property owner, but they never mentioned anything to him. Mr. Lee's wife, **Michelle Lee**, said that one of the reasons why they requested the pool's location was because they have two small children and they did not want it too close to the house because of the safety issue. Mr. Nappi said that the owners would be willing to consider changing their screening plan from four-foot privet hedge to eight to ten-foot Leland Cypress or Green Giants. Mr. Treuhold felt that the application should be adjourned so that the owners could try to revise the proposal to reduce the requested relief,

and to see if they could satisfy some of the concerns expressed by the neighbors, during the meeting.

DECISION: MR. AMES MADE A MOTION TO ADJOURN THE APPLICATION OF SL2 HOLDING LLC. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

8) Next was the application of **Ralph Worthington** for a front yard variance to 30' 5" from Montauk Highway for proposed enclosure of a portion of existing covered porch and a front yard variance to 22' 2" from Montauk Highway for proposed enclosure of a portion of existing covered portico. Premises are known as **137 Montauk Highway. SCTM #902-4-2-5**

Ralph Worthington was present along with his contractor **Mark Gibson**, and his architect, **Peter Mc Bride**. Mr. McBride explained that they were proposing to enclose portions of two porches that exist within the 60-foot front yard setback. He explained that they were turning the front entry into a bathroom, making a new front entry on the driveway side. With the use of the plans, he showed the Board where their proposed changes would be located. He said they were trying to modernize an older eight-bedroom house that only had two bathrooms, by making five bedrooms with baths, and the only way to do that work on the first floor was to expand out into the proposed areas shown on their survey. No height relief would be necessary, and they were not increasing the house footprint or the lot coverage. Mr. Treuhold asked for a motion to approve the variance application.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE WORTHINGTON APPLICATION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

9) Next was the application of **Malik Trusts** for a lot coverage variance to 20.8% in order to permit proposed detached garage (and other proposed site changes related thereto). Premises are known as **34 Elizabeth Lane. SCTM #902-4-2-2.38**

Attorney **Kittric Motz** was representing the applicant **Mr. Malik**, who was also present for the discussion. She explained that her client wanted to redevelop the accessory structures, change the pool and the patio, eliminate approximately 300' from that area, and build a detached garage. The detached garage would be in a conforming location. Mr. Treuhold mentioned that of the 20.57% present lot coverage, the additional .57% was never the subject of a variance. Mrs. Motz said that a variance was not requested when the 2003 permit was granted and that permit is still open. She explained that whoever represented the sellers in 2007 when the house changed owners, never made the seller close out the 2003 building permit, and her clients are now having to deal with that situation. The Board wanted to wait for a final inspection by the Building Inspector to make sure that there were still no other outstanding issues on the property that needed to be taken care of. They also felt that since so much work was being done on the property, the owner should consider possibly finding a way to avoid the need for a lot coverage

variance. The architect came forward to explain that since they knew they had to come before the Board anyway, they had already made considerable reductions and changes to their original plans. Attorney Motz wanted it noted that the spa shown on the wood deck, is going to be removed, and the propane tank shown on the survey, will be buried. Mrs. Motz requested an adjournment of the application to the June meeting.

DECISION: MR. RYAN MADE A MOTION TO ADJOURN THE MALIK TRUSTS APPLICATION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

10) Next was the application of **Glenn and Holly Albert** for a setback variance to 9.5 feet from the northerly line in order to permit existing patio. Premises are known as **15 Woodland Way. SCTM #902-3-5-5**

Attorney **Kittric Motz** was present for the applicants, who were also present. She explained that her clients purchased the property in November of 2017 and were not aware that they should have requested an updated Certificate of Occupancy from the owners at that time. After the purchase, the new owners tried to get a CO and ultimately found out that there was no variance for the patio setback, which had been in existence and shown on surveys since 1980. Mr. Treuhold mentioned that none of the surveys show the patio in the size that exists today. He also indicated that the patios that are now present on the property go over and beyond what the Board would ever have considered granting. The Board wanted attorney Motz to go back and work with her clients to consider a smaller variance request. Mrs. Motz requested an adjournment to the June meeting.

DECISION: MR. TREUHOLD MOVED TO ADJOURN THE ALBERT APPLICATION TO THE JUNE MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

11) Next was the application of **Michael Ficklas and Donna Astion** for a gross floor area variance to 6,160 square feet in order to permit increasing the gross floor area, a height variance within a required yard to elevation 30 and a setback variance to 44.9 feet from Ogden Pond in order to permit elevating the existing house, a setback variance to 38.6 feet from Ogden Pond in order to permit the proposed deck, spa and swimming pool as shown on survey, and a lot coverage variance to 26.3% if necessary for this project. Premises are known as **18 Beach Lane. SCTM #902-14-1-9**

Attorney **Kittric Motz** was present for the applicants, as well as **Michael Ficklas**, one of the owners. Mrs. Motz explained that her clients discovered that in the prior variance, the entire third floor was never included in any of the calculations. She explained that at this point her clients just want to add an elevator to the home, to get from the first floor to the second floor, by pushing out a wall and enclosing the entryway. Her clients were also proposing to lift the house to make it FEMA compliant, and install a new septic system. At the present time, the property is

allowed to have 27% lot coverage, and they were requesting 26.3% under their new design, so they would be reducing some of the lot coverage. They were also proposing a lift from the garage into the house by the front door, to enable their disabled family members mobility into the house. Mr. Treuhold asked that with all the work the clients were doing, and considering the large size of the house, why would they need the 55-foot variance to put in an elevator? Since the house was already so big, the Board felt there should be other alternatives. Mr. Ficklas explained that when they and their architect looked over the plans, and searched for the best placement of the elevator, the only area in the house that they could find that would work was the proposed location. Mr. Treuhold asked for a motion to approve the variance requests.

DECISION: MR. AMES MADE A MOTION TO APPROVE THE FICKLAS/ASTION APPLICATION. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:  File date: 6/5/19