

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, JULY 18, 2020
3:00 P.M.**

Present: Chairman Robert Treuhold, Charles Mott, Brendan Ryan, Bruce Peiffer, Pamela Chepiga, alternate Geoff Judge and Village Attorney Richard DePetris (all by telephone)

1) Mr. Treuhold brought the meeting to order and noted that this meeting was being held by teleconference due to the COVID 19 Governor's Orders. Mr. Treuhold asked for a motion to approve the minutes of the June 20, 2020 meeting.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE JUNE 20, 2020 MEETING. MS. CHEPIGA SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold confirmed that the next meeting would be held on **Saturday, August 22 , 2020** at **3:00 P.M.** At this date it is not known if the meeting will be live or by teleconference. This will be determined before the notice goes out.

3) Mr. Treuhold wanted to thank and congratulate Richard DePetris who will be retiring after 35 years as Village Attorney.

4) Mr. Treuhold noted that both 160 DQ LLC and David Marr have requested adjournments and asked for a motion to approve the requests.

MR. MOTT MADE A MOTION TO APPROVE THE ADJOURNMENTS OF BOTH 160 DUNE RD AND 61 DUNE RD TO THE NEXT MEETING. MS. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The last item on the holdover agenda is from **Robert & Susanna Jonke at 3 Fair Oaks Lane**. Mr. Treuhold said that the Board has reviewed the letter from Attorney Kittric Motz which has withdrawn the request for the rear yard setback variance and the lot coverage variance. Mr. Treuhold asked for a motion to approve the following as worded by Richard DePetris

WE GRANT A VARIANCE FOR A MINIMUM SIDE YARD VARIANCE TO 33.3 FEET AND A TOTAL SIDE YARD VARIANCE TO 68.4 FEET FOR PROPOSED ATTACHED GARAGE ADDITION.

MR. MOTT MADE A MOTION TO APPROVE THE VARIANCE REQUEST. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) The next item on the agenda is the application from **Joseph Moinian of 192 Dune Road, SCTM# 902-16-2-17**. This is an application for the following setback variances from Zoning Code requirements: rear yard (dune setback) variances for utility platform with stair, proposed deck addition and related walkway, and side yard variances to 20 feet from easterly line for such side yard variance to 0 feet from westerly line for proposed elevated cross access walkway so as to provide common beach access for the adjoining parcel to the west and the subject parcel. Michael Nobiletti was present on the phone call for the applicant. Mr. Nobiletti reviewed the application. He stated that the building is pre-existing, non-conforming, and does not have a Certificate of Occupancy. Mr. Treuhold questioned why there is no CO on this property. Mrs. Moinian was also present on the phone call. She explained that they bought the house from Mr. Papert, and they didn't seek a CO at the time because they didn't know what they would be doing with the property. Mr. Nobiletti said that there is no other reasonable location for these structures. The Moinians also own the adjacent property at 188 Dune Road, and that property has no stair access to the beach. The Moinians want the elevated walkway to extend over the crest of the dune to 192 Dune Rd to give the property stair access. Mr. Nobiletti explained that they didn't apply for a coastal erosion variance because the expansion is less than 25% which is permitted under the Coastal Code. The footprint expansion that they are requesting is roughly 21%. Mr. Nobiletti reviewed the utility platform variance requests. He explained that the portion intruding into the side yard is a 21 sq. foot pie shape area. Mr. Nobiletti next reviewed the variance requests for the expansion of the existing deck and the elevated walkways. Mr. Treuhold explained that the Board has only granted a few similar requests, and has requested covenants attached to the variances that if both properties are not owned together, then the variances are no longer valid. The nonconformities would have to be removed in that situation. Mr. Treuhold asked why additional decking would be necessary. Mr. Nobiletti explained that the expansion of the deck was necessary for the accessory use of the house. The Board was concerned about the increase of the nonconformity which is sitting on the dune. Mr. Nobiletti felt that since the expansion was under 25%, it is allowable under the code. Mr. Treuhold said that the Board did not feel that the expansion of the deck would be considered a hardship. Mr. Nobiletti explained that the deck is currently too small to accommodate the 5 bedroom house. He said that the Moinians are sensitive to the dune area, and have done substantial revegetation efforts in this project. Mr. Treuhold asked if they would consider adjourning the application and

coming back to the Board with a reduced request. Mr. Nobiletti agreed. Richard DePetris asked that copies of the deeds for 188 Dune Road, and 192 Dune Road be submitted showing ownership, along with a copy of the survey for 188 Dune Road. Richard DePetris asked if a cross access walkway would be necessary at 188 Dune Road. Mr. Nobiletti explained that there is a road bed there that is used to bring in sand already at 188 Dune Road, and that it would not need a walkway. Mr. Treuhold asked for a summary of the revegetation efforts that have taken place. Mrs. Moinian spoke and invited the Board to visit the house and see the efforts that they have put in to revegetate and restore the property. This application is adjourned to the next meeting.

7) The last application on the agenda is from **Lisa and Gary Klemons at 56 Old Main Road, SCTM# 902-3-2-22.1**. This is an amended application for the following variances: minimum side yard variance to 18.7 feet from northerly line, total side yard variance and height variance within required yard to elevation 34.55 in order to permit proposed second story addition to existing house; setback variances from northerly line in order to maintain existing outdoor shower with enclosure and existing pool equipment and air conditioning unit with enclosure. Applicants have withdrawn the prior request for setback variance from the northerly line for existing patio (north of the swimming pool). Attorney Kittric Motz was present on the phone call for the applicants, and reviewed the application. She started with Exhibit 6, showing patios #1 & #3, which have been removed, and explained that they will be applying for building permits for the conforming structures. Mrs. Motz stated that the generator will be moved into a conforming location, and the pool patio will be removed and relocated with permits as well. The fence will be lowered to 4 feet and made compliant. They will be filing for an as built permit for the patio and pergola. The gravel area will be removed and mulched. The pool equipment and shower will need a variance. Mrs. Motz reviewed the garage request and stated that they will be filing for a permit for the auto lift in the garage. Regarding the tool shed, Mrs. Motz does not feel that this should be classified as a pool house. She stated that it is a very tiny space with no room even for chairs. Mr. Treuhold asked when the powder room and staircase were added. Mrs. Motz believed the powder room had been constructed in 2019, and explained that it has Health Department approval. Mr. Treuhold asked if any of the neighbors have been consulted regarding the addition. Mrs. Motz said they have not, and did not believe that any of the neighbors would be affected in any way by the addition. William Nowak asked about the lattice fence, would the openings in the fence be needing a variance. Susan Wilcinski of Spaces Landscape spoke and said that she has measured the fence and the openings are 40% open. Richard DePetris said that a variance had not been requested for the fence and if it is not determined to be compliant, then it will need a variance. Mr. Treuhold asked for a motion to approve the Klemons application requests as amended by the submission filed June 19, 2020.

MR. PEIFFER MADE A MOTION TO GRANT THE AMENDED APPLICATION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Mr. Treuhold adjourned the meeting.