

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY SEPTEMBER 22, 2021
3:00 P.M.**

This meeting was held remotely by videoconference, pursuant to Part E of Chapter 417 of the Laws of 2021 adopted by the New York State Legislature, which modified portions of the Open Meetings Law, allowing the meeting of the Board of Appeals and aforementioned public hearings to be held by teleconference or videoconference (i.e. ZOOM).

Present: Chairperson Pamela Chepiga, Brendan Ryan, Bruce Peiffer, Geoff Judge, Ed Tolley, George Sard (alternate member), Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

1) Ms. Chepiga opened the meeting with a roll call, and then set the date of the next three meetings for: October 13, 2021, November 10, 2021 & December 15, 2021. These meetings will all be held by videoconference. Ms. Chepiga then asked for a motion to approve the minutes of the August 18, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 18, 2021 MEETING. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter to be heard today was the holdover application of: **Four Winds Properties, LLC at 20 DUNE ROAD [SCTM# 902-12-2-10] for:** variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to expand and reconstruct a nonconforming terrace with an easterly side yard setback of 19' where 25' is required; (2) §196-12 and §196-22B to permit the reconstruction and extension of a nonconforming 5' retaining wall in the easterly required side yard with setbacks of 5.2', 8.5' and 17.8' where 25' is required and where such retaining wall exceeds 2' in height and does not have 40% visibility; (3) §80-7B, and §80-10B(1)(g), (i), (j) & (k) to permit the construction, restoration and/or reconstruction of nonmovable structures or nonmajor addition to existing structures, including walks, retaining walls, terrace, patio, planters, pillars, outdoor kitchen and steps, south of the Coastal Erosion Hazard Area (CEHA) line; (4) if necessary, §196-72 for an extension of a decision dated June 9, 2018 in order to permit the applicant to complete required conditions; and all other necessary relief on a 87,340 sq.ft. parcel of land located on the southerly side of Dune Road, approximately 1,316' east of the Quogue/Westhampton Beach Village line, in the A-1 Residence District.

Attorney Kittric Motz was present on teleconference. She explained that part of the project has been redesigned to shift the structures north of the Coastal Erosion Line towards the road. They have created a five foot walkway that leads to the proposed pool and pool house area. To accomplish this required an additional one ft. extension of the easterly wall at the 17.5 ft. setback.

Revised drawings were submitted on September 10, 2021 showing this change. One additional change has been made since this submittal, the owners have decided to switch the deep end of the pool closer to the house, and cut out 5 sq. ft. from either side the plantings to make a louvre around the diving board. Gabriella DAngelis, Landscape Architect, showed the drawing and explained what would be changing. Mr. Peiffer asked if this change would affect lot coverage. Ms. Motz said it would not change, the lot coverage would still be at 20%. Mr. Bruyn asked where the extra square feet was made up to get to the 20% calculations. Ms. DAngelis said that the lot coverage allowed for an additional 14 ft. Mr. Bruyn asked for clarification on the retaining wall changes. Ms. DAngelis said the easterly retaining wall would not be changing, but might need to be reconstructed when they modify the pool terrace. Mr. Bruyn asked the condition of the wall and if the grade of the wall would have to be changed. Ms. DAngelis said minor changes could be needed for drainage purposes, and the terrace would be resurfaced. She explained that the current wall is stable, but they have included the request in case something comes up with the wall during construction, and repairs need to be made. Mr. Bruyn asked Ms. DAngelis to review the grading of the walls. Ms. DAngelis explained that the lawn and the terrace are on the same level, as is the hedge. They will possibly need to reconstruct the wall under the hedge. Ms. Motz said the dotted red lines represent the walls that are being removed, and the blue line is the setback line, and reviewed where the new wall will be constructed. Mr. Tolley asked if the wall underneath the hedge will need to be extended south of the Coastal Erosion line, or will need to be reconstructed. Ms. Motz said the wall is there currently, and should not need any work, but they want to be proactive if repairs are needed. Mr. Tolley asked the purpose of the part of the wall south of the Coastal Erosion Line. Ms. Motz said it supports that area of the lawn and the planting area, and will support the new terrace. Mr. Bruyn asked if the pool was an infinity type pool. Ms. DAngelis said the entire pool is a knife edge style with a catch basin around it to recycle the water back into the pool. Mr. Bruyn asked that the new drawing be submitted to the Building Department. Ms. Chepiga asked if anyone had any questions or would like to be heard. She asked for a motion to approve the requested variances as amended by the new submission, and new drawing dated September 22, 2021.

MR. JUDGE MADE A MOTION TO APPROVED THE AMENDED VARIANCES. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter before on the agenda today was the application of 96 DAY LILY LANE LLC at 11 BAY VIEW DRIVE [SCTM# 902-11-3-8.1] for: variances from the provisions of (1) §196-13B(18) in order to permit the construction of a boat slip as a permitted customary accessory structure on a lot where no principal dwelling exists; (2) §196-20 in order to permit the construction of a boat slip as a permitted customary accessory structure prior to the construction of a principal dwelling; (3) §196-12 (Table of Dimensional Regulations) in order to permit the installation of a boat slip with an approximately 4' wide perimeter walkway 6' from the northerly property line where 25' is required; and all other necessary relief on a 47,505 sq.ft. parcel of land (exclusive of underwater lands) located on the southwesterly side of Bayview Drive, northerly side of the Quogue Canal and easterly side of a Dredged Canal, in the A-3 Residence District.

Attorney Kittric Motz was present on the teleconference. Ms. Motz reviewed the application. She explained that this is a vacant lot, and was recently been purchased by the same owners of 15 Bay View Drive. The family would like to add additional mooring for their watercrafts. They have no immediate plans to build a residence on the property, but possibly will in the future. They would like to build this boat slip for their private use only. The neighbor to the north, Mr. Strecker, has submitted a letter of support. Ms. Motz has not been contacted by any of the other neighbors. Ms. Motz noted that there is a DEC Board of Trustees and Army Corp permit for the project, and they will also have to apply to the Quogue Village Trustees if this variance is granted. Ms. Chepiga asked if the permit was expired. Ms. Motz replied that it has expired, but they are in the process of renewing it again. Mr. Bruyn noted that the permits are in the former owner's names, and the permit would need to be secured in the new owner's name. Mr. Bruyn asked about the ownership of the two parcels and their relationship. Mr. Burns, owner of both properties spoke next. He confirmed that he is the sole member of each of the LLCs that own each of the properties. Mr. Bruyn said on the original subdivision map, there was a street to the north. Ms. Motz said there has been a road abandonment, and there is an easement that passes over 15 Bay View Drive to get to 11 Bay View Drive. Mr. Bruyn asked if there is Planning Board approval for the transfer of the small triangle shaped transfer. Ms. Motz said she will research this. Ms. Chepiga asked what the hardship of this application would be. Ms. Motz explained that they have more boats than they can fit in the current boat slip, and there is a practical difficulty in the lack of bulk heading and blocking access to other users of the canal. Ms. Chepiga asked if there were currently two boat slips at 15 Bay View. Mr. Burns said there are currently two boats in the slip, but they are buying a new boat, and they don't want to keep both of them in the current slip together. Ms. Chepiga asked Mr. Burns to review of the number and sizes of the boats. Mr. Burns said at 15 Bay View they will store the 46 ft. boat, as it is wider than their other boats. They want to put their 24 ft. boat in the slip at 11 Bay View. Mr. Peiffer asked the sizes of the boats that are currently there. Mr. Burns said they had a 37 ft. boat which they have sold, and the 24 ft. boat which is there now. Mr. Tolley asked if the existing slip could be expanded. Mr. Burns said there is not enough room to do this. Mr. Peiffer questioned the hardship portion of this application, as the current slip can hold two boats. He also did not want this to set the precedent of allowing an accessory structure on a property without a primary residence. Mr. Tolley asked if any plans exist to build on this property. Mr. Burns said the former owners had plans, but that one of his three children might want to build on this property in the future at some point. Ms. Motz asked if this could be adjourned that until the next meeting to address some concerns and gather paperwork. Ms. Chepiga also noted that when the permit was issued in 2019 by the DEC, it was on the grounds that a primary residence would be constructed, not as a stand-alone accessory structure on the property. Ms. Chepiga asked for a motion to adjourn this application until the next meeting.

MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next matter on the agenda was the application of **THE QUOGUE LIBRARY at 90 QUOGUE STREET [SCTM# 902-10-1-13 & 20] for:** variances from the provisions of §196-12A (Table of Dimensional Regulations) and §196-22 A & B (height of Fences) in order to (1) construct 193 linear feet of 6' high solid wood fence along the westerly property line in the required side yard with a height that exceeds 2' and does not have 40% visibility; (2) construct a 6' high

solid enclosure fence and gate around an existing generator in the required side and rear yards that exceeds 2' and does not have 40% visibility, and with a rear yard setback of 21.6' and a side yard setback of 21.5' where 25' is required; and all other necessary relief on a 71,173 sq.ft. parcel of land located on the northwesterly side of Quogue Street (Main Street), approximately 487' northeasterly of Old Depot Road in the A-3 Residence District.

Ms. Chepiga noted that a request has been received to withdraw this application. Attorney Kittrick Motz confirmed this.

5) The last matter on the agenda today was the application of **BAY ROAD INC. (NICK MESSINA) at 37 BAY ROAD [SCTM# 902-6-1-18.11] for:** an interpretation of the Building Inspector's determination and/or variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit an elevated catwalk/wetland access walkway extending over a portion of designated wetlands in the center of the property to access the property's frontage on Shinnecock Bay with a 70' setback from an unopened portion of a private road where 100' is required and a rear yard setback of 10' where 35' is required; (2) §196-13B(10) in order to permit an elevated catwalk/wetland access walkway extending over a portion of designated wetlands in the center of the property where said elevated catawalk/walkway does not directly connect to the bay; and all other necessary relief on premises located on the southerly side of Bay Road, approximately 2,623' easterly of Montauk Highway (SR 27) in the A-8 Residence District.

Ms. Chepiga noted that the Board had received a request for this application to be adjourned until the next meeting.

As there was no more business, Ms. Chepiga adjourned the meeting.