

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, NOVEMBER 21, 2020
3:00 P.M.**

Present: Chairperson Pamela Chepiga, Brendan Ryan, Bruce Peiffer, Geoff Judge, Ed Tolley, Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

In accordance with the Governor's Executive Order 202.1 this meeting was held via zoom videoconference.

1) Ms. Chepiga opened the meeting with a roll call, and then asked for a motion to approve the minutes of the October 17, 2020 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 17, 2020 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Ms. Chepiga set the date of the next meeting to **Wednesday, December 16, 2020 at 3pm.** Given that the meetings are being held remotely, the Board is going to try a weekday time and see how it works for everyone.

3) The first item on the agenda is an application from **Baycrest Properties, LLC at 23 Dune Rd SCTM# 902-12-1-13 for:** (1) variances from the provisions of §196-13A and §196-20 to permit an accessory storage shed to be constructed on a property where no principal dwelling exists; (2) an accessory structure street setback variance of 7.5' to permit an accessory storage shed to be located 32.5' from Dune Road where 40' is required under §196-12A (Table of Dimensional Regulations); and (3) all other necessary relief in order in order to permit the construction of a 96 square foot storage shed on premises located in the A-2 Residence District.

Attorney Kittric Motz was present for the applicant. Ms. Motz reviewed the application. She explained that this application is for a variance to build a 96 sq. ft storage shed on property that is almost entirely wetlands. The property currently has a parking area, and elevated walkways leading to a bulkhead. The purpose of the shed will be to store marine equipment, such as life jackets and other boating and fishing gear. The property has no potential for development other than recreational use. Ms. Motz said they have submitted a title search for this property which shows no recorded easements or accesses from any other properties. Village Attorney Wayne Bruyn asked which property and ownership this parcel is accessory to. Ms. Motz explained that it is accessory to 20 Dune Road, which is owned by Four Winds Properties, LLC. Both Baycrest Properties, LLC and Four Winds Properties, LLC are owned by the same family. Environmental Consultant Chuck Bowman and Architect Bill Barba were also on the videoconference for the

applicant. Mr. Bowman said that he was originally hired by the former owner for this project. He explained that under DEC regulations, Article 25, setback requirements do not apply if the structure is under 100 sq. ft., not in the wetlands, and is water or marine use related. Mr. Bowman further explained that this shed will not have a permanent foundation, will not require any grade change, and will be used only for marine related equipment. Mr. Judge asked how the building will be secured to the land. Mr. Barba spoke and said that it will sit on concrete blocks, which will be secured with stainless steel roping to keep the shed in its location in the case of a storm. Mr. Ryan asked if there is any written approval from the DEC that could be submitted. Mr. Bowman said that they will apply to the DEC and ask for a non-jurisdiction or no permit necessary letter. Ms. Motz asked if the granting of the variance could be conditional on the letter, as it may take some time for the DEC to respond. Mr. Bowman thought it would take a few months. Mr. Bruyn noted that in 2005 the ZBA had issued a written decision granting the boat slip, the parking area and the elevated walkway. In this decision there were conditions that would also apply to the currently requested variance. Mr. Bowman asked if the Board still needed copies of the old DEC permits. Mr. Bruyn explained that the title report revealed a covenant recorded by the landowner which was a condition of a DEC permit that refers to a shed, and that the old permits should be reviewed. Mr. Bowman said he will look for them. Ms. Motz asked if the application could be adjourned until the January meeting. Ms. Chepiga asked if anyone else had any questions. Mr. Bruyn noted that Mr. Joseph Gazza had submitted a letter on November 13, 2020 in support of the application, but with some questions. Mr. Bruyn further noted that Ms. Motz has responded to the letter. Ms. Chepiga asked for a motion to adjourn this matter to the January 2021 meeting.

MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION TO THE JANUARY 2021 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next item on the agenda is from 83 Dune Rd LLC at 83 Dune Rd SCTM# 902-13-1-23 for: (1) boat slip water indentation setback variance of 21' to permit a single-family dwelling to be located 29' from an existing boat slip indentation where 50' is required under §196-13E; (2) boat slip water indentation setback variances of 17.4' and 20.1' to permit an accessory swimming pool and pool spillway to be located 32.6' and 29.9', respectively, from an existing boat slip indentation where 50' is required under §196-13E; (3) boat slip water indentation setback variance of 24.8' to permit an accessory deck to be located 25.2' from an existing boat slip indentation where 50' is required under §196-13E; (4) (2) boat slip water indentation setback variances of 24.7' and 24.1' to permit a retaining wall and stairs to be located 25.1' and 25.3', respectively, from an existing boat slip indentation where 50' is required under §196-13E; (5) accessory structure side yard setback variance of 6.2' to permit accessory pool equipment to be located 18.8' from the westerly side property line where 25' is required under §196-12A (Table of Dimensional Regulations); (6) accessory structure side yard setback variance of 6.2' to permit a generator to be located 18.8' from the westerly side property line where 25' is required under §196-12A (Table of Dimensional Regulations); (7) height variances to permit a retaining wall in the required side and front yards where the top of wall measured from natural ground level exceeds 4' as required under §196-22A; (8) accessory wall setback variances to permit a retaining wall in the required front and side yards where the retaining wall exceeds 2' and does not have 40% visibility as required under

§196-22A & B; and (9) all other necessary relief in order in order to permit the construction of a two-story, single family dwelling with attached sunroom and garage, covered porch, decks, and accessory swimming pool on premises located in the A-2 Residence District.

Mr. Ryan noted that he will be recusing himself from this matter as Alan Kroll, who is a Trustee of 83 Dune Rd LLC, is his attorney. Attorney Kittric Motz and Architect Craig Arm were present for the applicants. Ms. Motz reviewed the application and said that they met with Village Building Inspector William Nowak and discussed his memo regarding the project. Some changes were made based on this meeting, and a revised request was submitted on November 16, 2020. The house that was on the property had been heavily damaged by Hurricane Sandy and had to be demolished. Ms. Motz explained that the house will be at least 50 ft from the Quogue Canal, and the water setback relief is from the boat slip. None of the proposed structures will be closer than 25 ft from the boat slip. The pool equipment will be located to a conforming location, so a variance will no longer be needed. The retaining wall was redesigned to only need a few inches of relief in the location by the propane tank. The wall in the front and side which contains the sanitary system will still need relief, but has been reduced to 8.8 feet all around. The side yard setback is still needed for the generator, but has been reduced to 1.9 feet. Ms. Motz explained that the generator will only be run once per week, and the affected neighbor has submitted a letter in support of the application. Mr. Tolley asked if the generator could be moved to the other side or front of the house. Mr. Arm explained that if they moved the generator to the other side, they would still need a variance, and moving it to the front would not be aesthetically pleasing, but could be done. Ms. Chepiga asked about the size of the generator. Mr. Arm said the slab would be 4ft by 8ft and the generator would be smaller. Mr. Peiffer asked what the output of the generator would be. Mr. Arm said it had not been determined at this point, but will probably be between 27-50 KW, and would be run typically one hour per week, at a predetermined time. Mr. Peiffer was concerned about the duration and the noise that could be produced by a generator of that size. Ms. Motz said the generator at the house next door at 87 Dune Rd only runs for about 15 mins, and only once per week. Mr. Nowak discussed the possibility of putting the generator in the front by the porch. Mr. Tolley expressed that he thought the generator could be moved to a conforming location. Mr. Arm said they would prefer to have a smaller generator in the side yard, as opposed to the front yard. Ms. Motz asked if they could withdraw the request for relief for the generator at this time and come back when they had more information about the size. Ms. Chepiga asked if anyone else had comments and no one had. Mr. Bruyn asked Ms. Motz to restate the amended request for clarity of the record. Ms. Motz said that requests 1-4 remain the same, requests 5 & 6 have been withdrawn, request 7 has been amended to: the part of the wall by the propane tank to elevation 7.1ft, and the rest of the wall to 8.8ft according to the Exhibit 3. Request 8 remains the same. Ms. Chepiga asked for a motion to approve the requests as amended.

MR. PEIFFER MADE A MOTION TO APPROVE THE AMENDED REQUESTS. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The next item on the agenda is the holdover application of **David and Mary Lohuis at 22 Post Lane SCTM# 902-14-1-47**. Attorneys John Bennett and Michael Schiano, and Architect Bill Heine were present on the teleconference for the applicant. Mr. Bennett reviewed the application. The application was originally presented in September when it was discovered that additional relief would be needed, and a previously granted variance would need to be extended. Mr. Bennett explained that revised elevations have been submitted reducing the height of the garage from 20 to 18 feet, which he believed was conforming, but the garage will still need setback relief from Post Lane. Fox Surveyors staked out the proposed garage to show on the property where it would be located in relation to Post Lane. A copy of the aerial view of the property has been submitted. Mr. Bennett felt there was no other place on the property to locate the garage. Mr. Bruyn asked if copies of the wetland permits have been submitted. Mr. Schiano said that he has copies and will submit. Mr. Bruyn asked if there have been any changes to the plans. Mr. Schiano said there are no changes except for a chimney being removed, and he believes they will be able to use the conventional septic system which has SCDH approval. Mr. Bruyn asked for a copy of this to be submitted as well. Ms. Chepiga asked if anyone on the meeting had any questions, or would like to speak. No one did. She then asked for a motion to approve the requested variances and extensions as noticed.

MR. JUDGE MADE A MOTION TO APPROVE THE REQUESTED VARIANCES AND EXTENSIONS. MR. RYAN SCONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) The next item on the agenda is the holdover application of **William Cataldo & Nancy Cohen at 4 Post Lane SCTM# 902-10-2-42**. As in the previous meetings, Ms. Chepiga said she will be recusing herself from this matter, and designating Geoff Judge as Acting Chairperson. Architect Nicholas Vero was present for the applicants. Mr. Vero said they have submitted a revised survey which shows the pool equipment located to conforming location, and the patio around the pool removed. This change takes lot coverage to 20.1%, or about 77 sq. ft over. Mr. Vero explained that Mr. Cataldo would like to leave the deck as is, as it would be easier for him due to knee replacement surgeries. He explained that the deck is in a conforming location, just over in lot coverage. Even though this is a self-created hardship, Mr. Vero feels that this would not cause any detriment to the neighborhood. Mr. Peiffer inquired about the location of the master bedroom. Mr. Vero explained that it is on the south side. Mr. Tolley asked the square footage of the deck. Mr. Vero said it is roughly 231 square feet. Mr. Tolley asked if the square footage of the deck could be reduced. Mr. Vero said the problem with this is that there are two sliding doors that open up to the deck, and that he could probably remove only about 30 sq. ft without having to remove the doors. Mr. Ryan spoke next about his concerns regarding this property. Mr. Peiffer also expressed his concerns about granting this relief. Mr. Judge asked if anyone else had any questions. Mr. Bruyn asked if they could remove part of the deck on the North and East sides. Mr. Vero said he would see if this could be an option. Mr. Ryan expressed that he would like to see this property in conformity with lot coverage. Mr. Vero asked if this could be held over to the next meeting. Mr. Bruyn said that if they can get the property into conformity, they would not

have to come back. Mr. Judge asked if any one else would like to speak, an no one did. Mr. Judge asked for a motion to adjourn this application until the next meeting.

MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION UNTIL THE NEXT MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

7) The last item on the agenda is the holdover application of **David Marr at 61 Dune Road SCTM# 902-13-1-12**. Ms. Chepiga noted that a request had been made from Ms. Motz to adjourn this application until the January meeting. Ms. Motz confirmed this. Ms. Chepiga asked for a motion to adjourn.

MR. TOLLEY MADE A MOTION TO ADJOURN THIS APPLICATION UNTIL THE JANUARY 2021 MEETING. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

AS THERE WAS NO FURTHER BUSINESS, MS. CHEPIGA ADJOURNED THE MEETING.