

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY DECEMBER 16, 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 November 21, 2020 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 21, 2020 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first item on the agenda is an application from **Daniel & Joyce Flynn at 23 A Lamb Avenue SCTM# 902-9-1-32.1** for: variances from the provisions of §196-7.1B and §196-12A(1) in order to permit a nonconforming accessory garage to be re-constructed 4.6' from the westerly side of the property line and 11.9' from the northerly rear property line where 25' is required; and all other relief on premises located on the northerly side of a private right-of-way, approximately 260' west of Lamb Avenue in the A-5 Residence.

Daniel & Joyce Flynn were present on the videoconference along with their Architect, William Heine. Mr. Flynn explained that they had gotten approval from the Zoning Board back in 2014 to renovate the garage, and did not start the project. Now due to the poor condition of the garage, they are now asking to reconstruct the garage in the same location. Mr. Bruyn asked for more information regarding the foundation of the garage. Mr. Flynn responded that there currently is a concrete floor and locust posts on the perimeter of the garage. Mr. Bruyn asked if there is an alternate location for the garage or a way to minimize the requested variance. Mr. & Mrs. Flynn responded that there is no other feasible location due to the location of the septic system and the driveway. Mr. Bruyn asked if the garage could possibly be moved a foot or two to the west. Mr. Flynn thought maybe it could. Mr. Bruyn also inquired if the Declaration of Covenants that were executed in 2014 had ever been filed with Suffolk County. Mrs. Flynn said she believes that they were, but she will confirm and submit a copy. Mr. Bruyn said that this would again be a condition of the variance – either submit the recorded copy, or file a new executed copy with Suffolk County. Mr. Bruyn asked if the proposed outdoor shower would be in the same location as originally

discussed in 2014. Mrs. Flynn confirmed that it would be. Mr. Bruyn said that a letter had been received from neighbors Mr. & Mrs. Warren and Mr. & Mrs. Gingerich expressing concern if the garage was to be located on the easterly side and not the westerly side. Mr. Gingerich spoke and said he has seen the survey confirming the garage to be located in the existing location, and no higher than 13', and in that case he has no objection. Mr. Tolley asked if Mr. Gingerich had any objection to the outdoor shower, and he said he did not. Architect William Heine spoke next about the foundation. He noted that the foundation is single block in some places, and does not have a 3' foundation. The new garage would have the required foundation. Ms. Chepiga asked if anyone had any questions. No one did, and she asked for a motion to approve the requested variances. Mr. Bruyn noted that a condition of the variance would be either submit a copy of the recorded Covenants, or re-execute them and file with Suffolk County.

MR. PEIFFER MADE A MOTION TO APPROVE THE REQUESTED VARIANCES. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next item on the agenda is the application from **Shinbone Bay, LLC at 48 Shinnecock Road, SCTM # 902-10-3-9.9** for: a 6.25' height variance from the provisions of §196-13A(6)(b) in order to permit a 10' flat roofed garage to be constructed with the height of the roof at an elevation of 20' where the mean elevation of the centerline of the street in front of the premises is 3.5' and the maximum allowed elevation is 13.75'; and all other necessary relief on premises located in the A-8 Resident District.

Attorney Kittric Motz was present on the videoconference as well as the homeowner, Mr. Lynn and their Architect. Ms. Motz reviewed the application. She explained that this is an application for a garage in a house that is currently being constructed. Due to a few factors, such as the incline of the property, and a pre-existing berm, the garage will need height relief. The garage is one story, conforming in both location and size, they will just need a 6.25' height variance from the crown of the road for the 10' garage. Ms. Chepiga asked if anyone had any questions. No one did, and she asked for a motion to approve the requested variance.

MR. RYAN MADE A MOTION TO APPROVE THE REQUESTED VARIANCE. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next item on the agenda is the application from **James Desir & Melissa Michna at 66 Jessup Avenue, SCTM# 902-3-4-78** for: variances from the provisions of (1) §196-14A(1) & B(1) in order to permit the alteration of a preexisting single family dwelling on a 7,925 square foot parcel with a lot width of 60', where 20,000 square feet and 100', respectively, is required in the B-2 Business District utilizing the A-5 residence District dimensional regulations as set forth in §196-12; (2) a 6.1' street setback variance in order to permit the covered front porch at a setback of 33.9' where 40' is required; (3) an 8' street setback variance in order to permit the front steps at a setback of 32' where 40' is required; (4) a 0.1' street setback variance in order to permit a second story addition at a setback of 39.9' where 40' is required; (5) 8.9' individual and total side yard setback variances in order to permit the covered front porch at a setback of 16.1' where 25' is required; (6) 2.4' individual and total side yard setback variances in order to permit the front steps at a setback of 22.6' where 25' is required; (7) 9.4' individual and total side yard setback variances in order to permit a second story addition at a setback of 15.6' where 25' is required; (8) a 10.83' height variance in order to permit a second story addition at an elevation of 44.69' where the maximum height is 16' or elevation 33.86' under §196-48A; and all other necessary relief on premises located in the B-2 Business District.

Attorney Kittric Motz was present on the videoconference for the applicants. She reviewed the application. She explained that this is a small piece of property and the allowable building envelope is 10' down the middle of the property. There is currently a one story entryway, and the owners would like to pull out the second story to over the existing footprint of the covered entryway, and add a one story screened in porch with some steps. This would add approximately 112 sq. ft. to the house. They will also be doing other renovations to the house which will not need relief. Ms. Chepiga asked if anyone had any questions. Mr. Tolley asked if any of the neighbors had any issues with the project. No input has been received from any of the neighbors. Ms. Chepiga asked for a motion to approve the requested variance.

MR. PEIFFER MADE A MOTION TO APPROVE THE REQUESTED VARIANCE. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Ms. Chepiga noted for the record that the holdover applications of both **Baycrest Properties, LLC at 23 Dune Rd and David Marr at 61 Dune Rd** have been adjourned until at least the January meeting. This was confirmed by Ms. Motz, who is the Attorney for both applications.

6) The last item on the agenda is the holdover application of **William Cataldo & Nancy Cohen at 4 Post Lane SCTM# 902-10-2-42** for: (1) a lot coverage variance to 21.13% in order to permit existing improvements; (2) side and rear yard accessory setback variances in order to permit existing swimming pool equipment with a northerly side yard setback of 16.9 feet and an easterly rear yard setback of 10.9 feet where 24 feet is required on premises located in the A-3 Residence District.

Ms. Chepiga noted that she will be again recusing herself on this application, and Mr. Judge will be acting Chairperson. Architect Nicholas Vero was present on the videoconference for the applicants. Mr. Vero noted that at the last meeting he was asked to try to reduce the deck area for

lot coverage. He felt the only place that was possible was on the east side of the deck because of the sliding glass doors. For this to be possible they would have to remove the footings and reconstruct the area. This would reduce the deck by 4 feet. Mr. Vero expressed that they have decreased the lot coverage as much as they practically can at this point without reconstructing the deck. Mr. Tolley asked if there is any other possible area on the property to decrease to bring lot coverage in conformance. Mr. Vero said they have looked at all other possibilities and there is no other alternative. Mr. Ryan asked what the setback is from the rear property line, and Mr. Vero said it was 25 feet. Mr. Peiffer spoke and said that he has made his feelings clear that he is not in favor of granting this variance. Mr. Vero said that he thought at this point they are asking for the minimal possible variance. Mr. Bruyn noted for the record that this hardship was self-created, and that the Building Inspector had been trying to get this lot coverage corrected for at least 4 years. Mr. Bruyn noted that the deck could be removed and then the need for the variance would be eliminated. Mr. Bruyn asked if Mr. Vero had any further documentation to provide, and if not, they would close the Public Hearing of this matter for decision. Mr. Vero said he would like to submit the cost of reconstructing the deck to bring it to compliance. He thought he could submit this by Friday. Mr. Bruyn noted that there had been discussion of the owner's need for the deck due to a physical disability, but that could not be taken into consideration as he may not always own the property. Mr. Vero asked if they could do a Covenant for as long as they own the property. Mr. Bruyn felt that would not be practical. Mr. Ryan also noted that the property was currently for sale. Mr. Vero said he was not aware of this. Mr. Judge asked for a motion to close the Public Hearing and adjourn for decision at the January meeting.

MR. RYAN MADE A MOTION TO CLOSE THE PUBLIC HEARING AND ADJOURN THIS MATTER FOR DECISION AT THE JANUARY MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) Ms. Chepiga set the date of the next meeting to **Wednesday, January 20, 2021, at 3pm**. As there was no further business she asked for a motion to adjourn the meeting.

MR. PEIFFER MADE A MOTION TO ADJOURN THE MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Denise Michalowski Deputy Village Clerk 1/21/2021