

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY MARCH 24, 2021
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 February 17, 2021 meeting. Ms. Chepiga set the date of the next meeting to **Wednesday, April 21, 2021 at 3pm.**

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 17, 2021 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first item on the agenda was an application from **16 Barker Partners, LLC at 16 Barker Lane [SCTM# 7-1-39] for:** an application for a 231 square foot variance from the provisions of §196-49 in order to permit an addition to an existing dwelling which will increase the gross floor area from 5,191 square feet to 5,449 square feet where 5,218 square feet is permitted; and all other necessary relief on a nonconforming 33,486 square foot parcel of land located on the easterly side of Barker Lane, approximately 992' southwesterly of Main Street in the A-3 Residence District.

Mr. Bruyn noted for the record that he will be recusing himself from this application as he had represented the applicants when they purchased the property in 2019. Mr. Bruyn has submitted a memo with this information to the Board. Attorney Robert Kelly was present on the teleconference call for the applicant. Mr. Kelly reviewed the application. He explained that they are requesting this variance in order to add a home office addition to the one story portion of the home that is on the right hand side of the house. Mr. Kelly noted that one of the neighbors had a question about the location of the addition, so he has marked it in red on the plans. Mr. Kelly said that it has just been discovered that the addition will stick out 2 feet past the front of the house, but is still compliant to setbacks. This will also slightly increase lot coverage, but they will still be under the required 20%. Mr. Kelly felt that this request for 231 square feet of relief is not substantial compared to other variances granted in the Village. Mr. Kelly noted that all other aspects of the property are in compliance. Ms. Chepiga asked if the neighbor was on the teleconference call. Mr. Byowitz was on the teleconference and responded that his question was concerning if the

addition was in the back or the front of the house. He has no objection if the addition is in the front, Mr. Kelly confirmed that the proposed addition is in the front. Mr. Kelly also noted that he has been in contact with Attorney Ms. Motz, who represents another neighbor, Ms. Rasic, and there is no objection to this application. A third neighbor, Mr. Rabinowitz, owner of 13 Barker Lane spoke next. He said that he has not seen any of the plans, and had some concerns about the height increase. Mr. Kelly noted that the structure is in compliance with height requirements. Ms. Chepiga suggested that Mr. Rabinowitz and Mr. Kelly communicate off the teleconference call, and the Board will come back to this application later on in the meeting.

3) The next item on the agenda was the holdover application of **Helena Litman at 51 Midhampton Avenue [SCTM# 902-4-3-7] for: an application for variances from the provisions of §196-12 A (Table of Dimensional Regulations) in order to permit (1) an addition to the northeasterly corner of an existing single family dwelling with a total side yard setback of 56.5’ where 60’ is required; (2) maintenance of a portion of an existing wood deck solid on the westerly side of the dwelling with a side yard setback of 16.7’ where 25’ is required; (3) maintenance of a portion of an existing brick patio on the easterly side of the existing swimming pool with a setback of 13.5’ where 25’ is required; (4) if necessary, maintenance of the existing swimming pool with a setback of 18.5’ where 25’ is required; and all other necessary relief on premises located on the southerly side of Midhampton Avenue, approximately 189’ northwesterly of Montauk Highway (SR 27) in the A-3 Residence District.**

Architect Michael Sudano was present on the teleconference for the applicant. Mr. Sudano said they are withdrawing the variance request for the setback for the side addition. The addition has been redesigned, and they will no longer need the variance. The variances for the deck and the patio, and pool are still being requested. Mr. Bruyn asked if plans have been submitted. Mr. Sudano said yes, plans have been submitted. Ms. Chepiga asked for a motion to approve the amended application (request #1 has been withdrawn, and #2,3 & 4 are approved).

MR. JUDGE MADE A MOTION TO APPROVE VARIANCE REQUESTS #2, 3 & 4. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next item on the agenda was the holdover application of **Baycrest Properties, LLC at 23 Dune Road [SCTM# 902-12-1-13] for: an application 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 on the teleconference call for the applicant. Ms. Motz noted that she has submitted the DEC Permit for the approval for the shed. Ms. Motz believes that the

DEC issued the Permit because there is not a primary structure on the property for the shed to be accessory to. Mr. Bruyn asked if the survey that had been stamped by the DEC is the same survey submitted for the variance request. Ms. Motz verified that the October 7th, 2020 is the survey approved by the DEC, and is Exhibit 1 of the application request. Ms. Chepiga asked for a motion to approve the variance request.

MR. PEIFFER MADE A MOTION TO APPROVE THIS APPLICATION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) The next item on the agenda was the holdover application of **David Marr at 61 Dune Road [SCTM# 902-13-1-12] for:** an application for variances in order to permit elevating an existing house (labeled 2 story frame house & garage on survey) by 6.9 feet at its existing location on property containing three dwellings, including a variance to alter a nonconforming principal building used for a nonconforming use, a rear yard/water setback variance to 19.6 feet for house and if necessary to 16.8 feet for proposed stairway, a side yard variance to 2.4 feet and a height variance within required yards to elevation 33.7.

Attorney Kittric Motz was present on the teleconference call. Ms. Motz asked if this application could be adjourned until the April meeting. She explained that another application for this property has been filed for the next meeting. Ms. Chepiga asked for a motion to adjourn this application until the April meeting.

MR. TOLLEY ASKED FOR A MOTION TO ADJOURN THIS APPLICATION. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

7) The next item on the agenda was the holdover application of **37 Bay Road Inc. (Nick Messina) at 37 Bay Road [SCTM# 902-6-1-18.11] for:** an application 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 reviewed the submittals that have been received for this property. An application from owner Nick Messina had been submitted on January 19, 2021, to be heard by the Board at the February 17, 2021 meeting. On February 17, 2021, an addendum to the application was submitted by the applicant's Attorney, Heather Wright. Mr. Messina and Ms. Wright both spoke at the February meeting. Mr. Bragman submitted documents in opposition on March 4, 2021. Ms. Wright submitted documents on March 5, 2021. In the documents filed by Mr. Bragman, the matter of the sale of the property was raised. Ms. Chepiga explained that in preparation for today's meeting, the Board consulted with Mr. Bruyn as to the validity of the application due to the change in ownership.

Following a discussion with Mr. Bruyn, Ms. Wright has submitted additional documents by email this week. Ms. Chepiga noted that at its last meeting, the Board had requested that all documents related to this application be submitted in enough time to be properly reviewed by the ZBA members. Ms. Wright explained that the property had been sold, but the application had been submitted when Mr. Messina was the owner. Ms. Wright noted that she told Mr. Messina that he needed to obtain an Owner's Authorization from the new owners of the property if they wanted to proceed with the variance request. She apologized to the Board for the delay in getting the papers to them. Ms. Wright explained that she had not represented Mr. Messina for the real estate transaction, and was unaware of the date of the closing. She further noted that Mr. Messina is contractually obligated to continue with the variance request on behalf of the new owners. Ms. Chepiga asked if Ms. Wright was aware of the change in ownership at the time of the February 17, 2021 meeting. Ms. Wright said she was not aware that the property had closed, and found out shortly thereafter. Ms. Wright explained that the substance of the application has not changed, and Mr. Messina is still the applicant. Mr. Messina has obtained a letter from the new owners saying they want him to proceed with the application. Mr. Messina said he has started this process a year ago, and told the new owners he would continue with this application. Ms. Chepiga asked Mr. Messina why the ownership change had not been disclosed to the Board at the February meeting. Mr. Messina apologized for not disclosing the sale. Ms. Chepiga asked Ms. Wright why the letter from the new owners was not included in the March 5th submission. Ms. Wright said she had asked Mr. Messina to get the authorization when the property changed ownership, and apologized for not making sure he did.

Ms. Chepiga and Mr. Bruyn then asked Ms. Wright if the originals of the documents that had been sent via email had been filed in the Village Office. Ms. Wright acknowledged that they had not and replied that she will submit the original copies to the Village Office. Ms. Chepiga asked when the transfer of the DEC permit had been filed. Mr. Messina said it had been filed this past Monday. Ms. Wright said she understands that no building permit can be issued until the DEC permit has been transferred. Ms. Chepiga asked the date of the transfer of ownership of the property. Mr. Messina said the property was transferred on February 11, 2021. Ms. Chepiga asked why the DEC transfer permit application states the date of ownership as March 22, 2021? Ms. Wright said that was an error, and Mr. Messina will refile with the correct date. Ms. Chepiga said that the application would not be heard today, and that additional steps needed to be taken before the next meeting. Ms. Chepiga said original papers regarding the new Owner's Authorization need to be filed, and a transfer permit from the DEC must be obtained. Ms. Chepiga asked for a motion to adjourn this application until the April meeting.

MR. PEIFFER MADE A MOTION TO AJOURN THIS APPLICATION UNTIL THE APRIL MEETING. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

8) The Board returned to application of **16 Barker Lane**. Ms. Chepiga asked if Mr. Rabinowitz and Mr. Kelly have spoken. Mr. Rabinowitz replied that they have, and that he has no objection to this application. Ms. Chepiga asked if any one else would like to speak or had any questions. No one did. Ms. Chepiga asked for a motion to grant the variance requested on this application.

MR. JUDGE MADE A MOTION TO GRANT THE VARIANCES REQUESTED ON THIS APPLICATION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

9) As there was no more business, Ms. Chepiga asked for a motion to adjourn the meeting.

MR. JUDGE MADE A MOTION TO ADJOURN THE MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.