

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY MAY 19, 2021  
3:00 P.M.**

**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

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 set the date of the next meeting to Wednesday, June 23, 2021 at 3pm. She asked for a motion to approve the minutes of the April 21, 2021 meeting.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 21, 2021 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

Ms. Chepiga reiterated the importance of the Board receiving any submissions on a timely basis. Any materials should be submitted at the latest the Monday before a meeting so the Board has sufficient time to review.

2) The first matter to be addressed was the application of **Four Winds Properties, LLC at 20 Dune Road [SCTM# 902-12-2-10] for:** pursuant to §196-72 for an extension of a decision dated June 9, 2018 in order to permit the applicant to complete required conditions; and for variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to expand a nonconforming pool terrace with an easterly side yard setback of 8.5' and 18.6' where 25' is required; (2) §196-22B to permit the extension of a nonconforming retaining wall in the easterly required side yard with a height of 5' for a distance of 38' and 15', respectively, where a such wall exceeds 2' and does not have 40% visibility; (3) §196-12 to permit the construction of a roofed pool equipment vault utilizing the retaining wall with a setback of 8.5' where 25' is required; (4) if applicable, §196-22B to permit the installation of a new retaining wall in the westerly required side yard that exceeds 2' and does not have 40% visibility; (5) §196-12 to permit the construction of a two-story addition to the existing dwelling new dwelling with rear covered porch with a rear yard setback of 47' where 70' is required; (6) §80-7B, if applicable, and §80-10B(1)(g), (h), (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, planters, pillars, outdoor kitchen and steps, south of the Coastal Erosion Hazard Area (CEHA) line; 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 the teleconference for the applicant. Ms. Motz requested that this matter be withdrawn.

**3) The next matter was the holdover application of Steven Salvatore & Patrizia Salvatore of 9 Lakewood Lane [SCTM# 902-4-3-14.13] for:** variances from the provisions of (1) §196-12 A(1) (Lot Coverage - Table of Dimensional Regulations) in order to permit an 246 square foot home office addition to the dwelling where all improvements amount to a total lot coverage of 20.86% where 20% is permitted; and (2) interpretation whether the home office addition can be added/connected to the unhabitable garage portion of the dwelling; and all other necessary relief on a 43,500 square foot parcel of land located on the southwesterly side of Lakewood Lane, approximately 600' east of Box Tree Road, in the A-3 Residence District.

Ms. Motz was present on the teleconference and requested that this matter be withdrawn.

**4) The next matter was the holdover application of 37 Bay Road Inc. (Nick Messina) of 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 written request from the applicant's Attorney that this matter be adjourned until the next meeting.

5) The next matter was the holdover application of **David Marr of 61 Dune Road [SCTM# 902-13-1-12] (Application #2) for:** modification and/or extension of decision dated February 22, 2014 and variances from the provisions of (1) §196-3 and §196-7 in order to permit three nonconforming dwellings to be raised relocated and/or altered with installation of new windows, doors, exit stairs and decks; (2) §196-A (Table of Dimensional Regulations) to permit Building A to have a rear and water setback of 37' to the Quogue Canal for a new attached exit stairway and 39' for the raised dwelling where 50' is required; (3) §196-12 A (Table of Dimensional Regulations) to permit Building A to have a side yard setback of 7' where 25' is required; (4) §196-48A to permit Building A to have a height at an elevation of 33.7' where 21.3' is required; (5) §196-A (Table of Dimensional Regulations) to permit Building C to have a front yard setback of 30' for a new attached exit stairway and 35' for the raised dwelling where 40' is required; (6) §196-22A & B for setback variances to permit a retaining wall in the required side yard that exceeds 2' and does not have 40% visibility; (7) all other necessary relief on a nonconforming 35,712 square foot parcel of land located on the northeasterly corner of Dune Road and Beach Lane (unopened) in the A-2 Residence District.

Ms. Motz was present on the teleconference. Mr. Bruyn has prepared a draft written decision for the Board to review and vote on. Ms. Chepiga asked for a motion.

**MR. RYAN MADE A MOTION TO APPROVE THE WRITTEN DECISION FOR 61 DUNE ROAD. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

6) The next matter was the holdover application of **David Marr of 61 Dune Road [SCTM# 902-13-1-12] (Application #1) 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.

Ms. Motz was present for the applicant on the teleconference. Ms. Motz explained that she would review the written decision and most likely withdraw the application at the next meeting. She asked for an adjournment until the next meeting. Ms. Chepiga asked for a motion.

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

7) The next item on the agenda was the application from **Ralph Worthington at 137 Montauk Highway [SCTM# 902-4-2-5] for:** an application for a variance from the provisions of §196-12A (Table of Dimensional Regulations) in order to permit the maintenance of a newly constructed swimming pool with a westerly side yard setback of 23.1' where 25' is required; and all other necessary relief on a 54,713 sq.ft. parcel of land located on the northeasterly corner of Montauk Highway and Quogue-Riverhead Road (CR 104) in the A-3 Residence District.

Architect Peter Nevins McBride was present on the teleconference for the applicant. Mr. McBride reviewed the application. He explained that this project has been going on for over a year, and the applicants recently obtained an as-built survey. The survey showed that the pool was not built as drawn, and is 21 inches into the setback. Mr. McBride said the area is only about 9 sq. ft, and to repour the whole pool would be a hardship. Mr. Ryan asked how this came about. Mr. McBride said that the setbacks were marked incorrectly on site, and this led to the pool being built longer than proposed. Mr. Peiffer asked the name of the pool contractor that made the error, and who staked out the property. Mr. McBride replied that he did not know, as he has only dealt with the General Contractor. Mr. Bruyn asked if they could get a copy of the survey that showed the proposed pool. Ms. Chepiga explained that in some municipalities, the contractor who made the error is required to attend the meeting and explain the circumstances that led to the error. Mr. Bruyn asked that Mr. McBride provide the Board with a copy of the original Building Permit, including the survey, and any amendments. Mr. Nowak said an amended approval was issued 8/20/20, and showed the pool in conformance. Ms. Chepiga asked for a motion to adjourn.

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

8) The next matter was the application of **Kara Gerson of 83 Quogue Street [SCTM# 902-10-2-45.1] for:** variances from the provisions of (1) §196-7.1 B in order to permit the reconstruction and relocation of a nonconforming detached two-story barn; (2) §196-13B(18) to permit the reconstructed barn to be converted into a 902 sq.ft. garage and a conditioned (heating/cooling) 376.9 sq.ft. pool house/lounge area on the first floor and conditioned 1,027.7 sq.ft. single room home office/gym on the second floor where the total floor area of the building shall not exceed 1,200 sq.ft. and a pool house cannot be conditioned space; (3) §196-13A(6)(b) to permit a portion of the reconstructed barn to be converted into a detached garage with a height of 20.5' where the maximum height of the reconstructed garage shall not exceed 20' and not have any other living quarters (pool house/lounge) on the first floor; (4) §196-13B(4) to permit a portion of the reconstructed barn to be converted into a conditioned 376.9 sq.ft. pool house/lounge area on the first floor and 1,027.7 sq.ft. single room home office/gym on the second floor where a pool house is permitted to be a maximum of 250 sq.ft., with only one unconditioned room and a maximum

height of 16'; and all other necessary relief on a 77,581 sq.ft. parcel of land located on the southerly side of Quogue Street, approximately 150' west of Ocean Avenue in the A-3 Residence District.

Ms. Motz, Architect John David Rose, and Simon and Kara Gerson, were all present on the teleconference. Ms. Motz reviewed the application. She explained that this property had been owned by the same family from 1826 until 2019. Ms. Gerson would like preserve the historical aspect of the barn. Ms. Motz explained that property is a contributing structure in the Quogue Historic District. The Quogue Historical Society has submitted a letter stating that maintaining the architectural integrity of the façade allows this property to remain listed in the National Register.

Mr. & Mrs. Gerson spoke next. Mr. Gerson said that the Barn right now is rusty and dangerous, and they want to make it a useful structure. Ms. Gerson spoke of their commitment to keeping the historic aspects of the property. Mr. Rose spoke next. He noted that his firm specializes in historic preservation work. Mr. Rose explained that when the Barn was lifted, the floor system could not come up with it. The lower portion of the walls were in poor condition and needed to be stripped off and set aside. The inside building was then secured and lifted. The exterior siding has been removed and will be reapplied. The timbers that held up the first floor walls were not in salvageable condition, and would not meet current Code. They were replaced, and the framing was rebuilt. This will be covered by traditional siding. Ms. Motz said that when the Barn is reconstructed, it will need 6 inches of height relief, but is set far back on the property. Ms. Motz said that the first floor has become reconstruction, and if a Trustee Permit is needed, they will request one. The Barn will be a multi functioning structure: pool house, pool equipment, storage area, two car garage, which are all conforming uses. Ms. Motz did not feel that granting this variance would be setting an unfavorable precedent. Neighbors William and Suzanne Mills spoke next. Mr. Mills spoke of his concern of this large mixed used structure. He questioned the need for HVAC. Mr. Mills said that when they relocated and rebuilt a structure on their property, they were limited on what they could do. He was concerned that this property could turn into a second living space on the property. He asked where the HVAC and pool equipment would be located. Ms. Motz reviewed and explained that another neighbor Ms. Callahan had requested that soundproofing be installed, and her client has agreed. Ms. Motz noted that this structure will not be used as living space. HVAC is needed to keep the pipes from freezing as they will be using this structure year round. The neighbor at 84 Quogue Street, Deborah Kadlick spoke next. She expressed her concern that the utilities have separate service at the structure, and the mixed uses. Ms. Kadlick noted that usually with an ancillary structure, the service is brought from the main house. Ms. Kadlick also expressed her concern about carpenter ants and bees coming from this structure. She also questioned the need for three garage bays for a two car garage, and felt this would be changing the look of the structure. Mr. Rose said that they would be able to smoke or steam out the carpenter ants and bees if they are there. Mr. Rose said the Barn will need separate systems due to the distance from the house, and is commonly done. He also noted that they would legally be able to restore the Barn, and still build a pool house. He feels that a separate pool house would detract from the property. Ms. Kadlick questioned the location of the doors, and asked if a new water main was being opened for the barn, as there is a water mark-out in front of her

property. Ms. Motz confirmed that the water line would be coming from the house to the barn. Mr. Kadlick questioned the need for HVAC in this structure, and if this would even be allowed. Ms. Motz explained that that HVAC is not prohibited in garages. She explained that there would be no shower or tub in the structure, only a powder room. Mr. Kadlick asked about the structure of the roof. Mr. Rose said they will keep what can be used on the roof while conforming to Code. Ms. Kadlick asked if it is necessary to have the three doors. Ms. Mills asked if the pool house portion of the structure would have heating and air conditioning. She feels that this structure could easily become living space at some point. Mr. Tolley said Covenants could be attached to the property to prevent this. Ms. Kadlick questioned the enforceability of any Covenants. Mr. Tolley asked if there is a sufficient amount of siding remaining to cover the first floor. Mr. Rose said they may be able to get any pieces from another old barn, and use other material on the back of the structure. Mr. Tolley asked if there would be ceiling to floor walls separating the multi uses of the structure, and would it be possible to heat and cool only some of the spaces, not all of them. Mr. Rose explained that there would be three basic spaces: utility room, garage and pool house with separate walls, and they could limit the heating and cooling to certain spaces. Ms. Mills asked if the pool house portion could be excluded from heating and cooling. Mr. Ryan asked Ms. Motz to review the requested variances. Mr. Judge asked if a variance is needed for setbacks for the pool equipment. Ms. Motz said it meets setbacks as it will be inside the building will be conforming. Ms. Kadlick asked if any ventilation system for this would be required. Mr. Rose confirmed that there would be a ventilation system installed. Mr. Bruyn asked if the height of the barn would be increasing. Ms. Motz said that the barn would be built at existing height, not increasing. Mr. Bruyn asked if this structure as proposed would meet the qualifications for a contributing structure for the Historical Register. He asked if Ms. Motz could confirm if the changes to the building would still allow it to qualify. Mr. Bruyn asked if the roof would be replaced with asphalt, and if aluminum gutters would be added. Mr. Rose confirmed, and noted these are necessary. He did not feel any of the changes being made would jeopardize the standing. Mr. Bruyn asked would who be making the decision as to this. Mr. Rose said he would find out for the next meeting. Mr. Bruyn asked if the applicant would be willing to submit to other conditions: no additional structures added to the property, limited spaces with HVAC, no shower, tub or cooking facilities to name some. Mr. and Mrs. Gerson expressed they are agreeable to these terms. Ms. Motz was concerned about the bathroom needing HVAC, and could possibly have to be relocated. Ms. Chepiga asked for a motion to adjourn this application to the next meeting.

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

**9)** The next matter on the agenda today was the application of **Elizabeth R. Doveala Revocable Trust and Christopher R. Doveala Revocable Trust of 62 Old Depot Road [SCTM# 3-4-15]** **for:** variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit the addition of a new 6' by 13.3' (79.8 sq.ft.) entry porch with a street setback of 54' where 60' is required; (2) §196-12A(1) in order to permit a two-story addition to expand the garage

on the first floor and bedrooms on the second floor with a setback from the northerly property line of 22' and a total side yard of 47.8' where the minimum of one side yard is 25 feet and the minimum total side yard is 60'; (3) §196-48A in order to permit the two-story addition to exceed 16' in height in the northerly required side yard; and all other necessary relief on a 33,125 square foot parcel of land located on the easterly side of Old Depot Road, approximately 100' north of Pine Lane in the A-3 Residence District.

Ms. Motz and the applicants, Elizabeth and Christopher Doveala, were present on the teleconference. Ms. Motz explained that the applicants are relocating year round to this residence, and need to do some renovations. As this is an undersized parcel, they are restricted in what they can do. Ms. Motz addressed the concern of the Building Inspector as to the stairwell to the cellar entrance with a new survey and photographs. She also said the survey showed that the closest point on the south side showed 21.8 ft. Mr. Peiffer asked when the stockade fence on the south was constructed. Ms. Motz said the fence was constructed after the applicants purchased the house in 2004, and they are willing to remove it. Ms. Chepiga asked for a motion to grant the variance on the condition that the nonconforming fence be removed.

**MR. PEIFFER MADE A MOTION TO GRANT THE REQUESTED VARIANCES ON THE CONDITION THAT THE NONCONFORMING STOCKADE FENCE BE REMOVED. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

9) The last matter on the agenda is the holdover application of **William Beatty & Sally Beatty of 11 Beach Lane [SCTM# 902-7-3-41] for:** variances from the provisions of (1) §196-7.1 B in order to permit the reconstruction of a nonconforming garage in the same location; (2) §196-12 A (Table of Dimensional Regulations) to permit the reconstructed garage to have a side yard setback of 14.6' where 25' is required; (3) §196-48A to permit the reconstructed garage to have second story with a height of 20 feet where 16' is required; and all other necessary relief on a nonconforming 43,588 square foot parcel of land located on the westerly side of Beach Lane, approximately 262' north of Quaquantuck Lane, in the A-3 Residence District.

Applicant Sally Beatty was present on the teleconference. Ms. Beatty explained that she has submitted a revised request with two options. Ms. Chepiga explained that one of the options was moving the garage to a conforming location. Mr. Ryan asked if this option would be agreeable to Ms. Beatty. She said it was, and is withdrawing the application.

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

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