

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY JUNE 23, 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, July 21, 2021 at 3pm., which will more than likely take place at Village Hall. She asked for a motion to approve the minutes of the May 19, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 19, 2021 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter on the agenda was the application of **Liliana Danzo of 22 Lakewood Ave [SCTM# 902-4-3-19 & 900-339-1-47]** for: a variance from the provisions of §196-12A (Table of Dimensional Regulations) in order to legalize an approximately 130 sq.ft. metal shed with a northerly side yard setback of 7.1’ where 25’ is required; and all other necessary relief on a 8,000 sq.ft. parcel of land located on the westerly side of Lakewood Avenue, approximately 1,015’ south of Box Tree Road, partially within the Village of Quogue and partially within the unincorporated area of the Town of Southampton in the A-3 Residence District known as 22 Lakewood Avenue and designated as SCTM#s 0902-004.00-03.00-019.000 and 0900-339.00-01.00-047.000. The zoning jurisdiction over the review and permitting of alterations and additions to the preexisting dwelling on the premises was delegated to the Town of Southampton Building Department and Zoning Board of Appeals.

Liliana Danzo and Architect Alexander Kahn were present on the teleconference. Mr. Kahn reviewed the application and explained that Ms. Danzo is looking to keep an existing shed in its current place, as there is no other place on the property for it. Mr. Kahn noted that they have also been to the Southampton Town ZBA and received approval for the portion of the property located in the Town’s jurisdiction. The shed is located on the portion of the property that is in the Quogue Village. Mr. Tolley asked if the house was being raised, and would it have a crawlspace? Mr. Kahn said they could not have storage in the limited crawlspace area, and that the house is in a flood zone. Mr. Peiffer asked what would be stored in the shed and if there was another shed on

the property. Ms. Danzo said there is another very small shed used for bicycles. The big shed would be used for a lawnmower and other yard maintenance tools and equipment. Mr. Bruyn asked when the shed was constructed. Ms. Danzo said when she bought the property 5 years ago, the shed was there. Mr. Bruyn thought the shed was constructed between 2010 and 2013 according to aerial photos. He also noted that the proposal for the house had changed since the original filing with the DEC. Mr. Bruyn suggested Ms. Danzo go back to the DEC and revise the permit to reflect the current house plans, and address the matter of the shed. Mr. Nowak said he could not issue a building permit for the shed until the DEC has issued either a permit or letter of non-jurisdiction for the shed. Mr. Bruyn noted that the decision from the Southampton Town ZBA required that the shed must either be removed, or the owners must secure a building permit from the Village of Quogue. Mr. Kahn said they will apply for the permits, but would need ZBA approval to do so. Ms. Chepiga asked for a motion.

MR. TOLLEY MADE A MOTION TO GRANT THE REQUESTED VARIANCE. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter on the agenda 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.

Attorney Kittric Motz was present on the teleconference. Ms. Chepiga said the Board has received a request from Ms. Motz to withdraw this application. Ms. Motz confirmed.

4) The next matter on the agenda was the holdover application of **Ralph Worthington – 137 Montauk Highway [SCTM# 902-4-2-5] 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.

Mr. Worthington was present on the teleconference, and reviewed the application. He explained that the pool project was to be completed in three stages. It was planned to have a 20 x 30 ft. pool, centered on a 5 x 60 ft. lap pool, centered on a shed. The shed was to be moved first, and then the lap pool was to be centered on the shed. When Fox Surveyors were brought in to stake out the pool house, it was discovered that the far end of the pool was 20 inches further to the line than planned. Mr. Worthington thought that this might have happened because the lap pool had to be elevated to have the runoff go to the main pool, and a landing had to be built. The lap pool was then constructed 4ft from the shed instead of 3 ft. Mr. Worthington believes that this was

the contributing factor to the error. Mr. Worthington had previously thought the pool was in conformance and was very surprised when this was discovered. He noted that it would be a hardship to correct at this point. Mr. Bruyn asked if Fox Surveyors had staked out the lap pool. Mr. Worthington said that the shed was to be 30 ft from the property line and the lap pool was to be perpendicular to the shed. The lap pool was not staked out because if the shed was in the correct position the lap pool would be as well. Mr. Bruyn said the survey showed the shed 25 ft from the property line. Mr. Peiffer thought this was small error and understood the explanation. Ms. Chepiga asked if anyone had any further questions. There were none. She asked for a motion to approve the variance as requested.

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

5) The next matter on the agenda was the holdover application of **Kara Gerson at 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.

Attorney Kittric Motz, Architect John Rose, and Mr. & Mrs. Gerson were present on the teleconference. Ms. Motz said that the drawings have been revised to incorporate comments received at the last meeting, while still preserving the structure as a contributing structure in the Quogue Historical District. The garage doors and the pool side doors have been changed to sliding barn doors. The rooftop will remain cedar shingles, and the gutters have been removed from the plans. Between 65-70% of the original siding will be salvaged and will be re-incorporated into the building. Any additional materials needed will be period wood to match the original siding. Ms. Motz has submitted a letter from The Quogue Historical Society approving of the changes, and stating that the property can remain on the National Register. The pool house has been reduced to under 250 sq. ft., and the washer/dryer and the powder room have been relocated out of the pool house area. No HVAC will be need in the pool house zone now. The washer/dryer and powder room are now located in the garage area, which will allow for the needed HVAC. Mr. Judge asked where the HVAC would be located. Mr. Rose explained that the units will be located outside. Mr.

Tolley asked if the pool Equipment would be located inside the structure. Ms. Motz confirmed that it would be inside. Ms. Chepiga asked if anyone had any further questions or would like to be heard. Mr. Tolley asked if the applicants would be agreeable to covenants regarding the use of the pool house, and that no other garage or pool houses would be constructed in the future. Ms. Motz said they would be agreeable. Mr. Bruyn confirmed that the pool house could not have any HVAC for heating or cooling, no sleeping or cooking anywhere in the structure, no other accessory structures to be built, and the pool equipment will always be located inside the structure. Mr. Bruyn noted that the Building Inspector will have to confirm that the standards have been met with these modifications to remain as a contributing structure now and into the future. Ms. Chepiga made a motion to close the public hearing on this matter and a written decision will be prepared for the next meeting.

MR. RYAN MADE A MOTION TO CLOSE THE PUBLIC HEARING AND ADJOURN THE APPLICATION FOR WRITTEN DECISION. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) The next holdover application on the agenda was the application of **37 Bay Road Inc. (Nick Messina) – 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 a request had been received to adjourn this application until the next meeting.

As there was no other business Ms. Chepiga asked for a motion to close the meeting.

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