

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY JULY 21, 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

1) Ms. Chepiga opened the meeting with a roll call, and noted that this would be the first live meeting to take place since COVID began. She then set the date of the next meeting to Wednesday, August 18, 2021 at 3pm., which will take place at Village Hall. Ms. Chepiga asked for a motion to approve the minutes of the June 23, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE JUNE 23, 2021 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter on the agenda today was the application of **ALAN WEINREB and VIKKI WEINREB of 20 ELIZABETH LANE [SCTM# 902-4-2-2.18]** for: a variance from the provisions of §196-12A (Table of Dimensional Regulations) in order to legalize the lot coverage in the amount of 23.1% for the existing improvements erected in 1985; and all other necessary relief on a 43,737 sq.ft. parcel of land located on the westerly side of Elizabeth Lane, approximately 1,163.55' south of Scrub Oak Road in the A-3 Residence District.

Attorney Kittric Motz and Alan Weinreb were present at the meeting. Ms. Motz reviewed the application. She explained that Mr. & Mrs. Weinreb purchased this property in the spring, and are looking to legalize the pre-existing lot coverage issue that she believes has been in place since the house was built in 1985. Ms. Motz noted that some areas of the non-compliant tennis court, some walkways and a shed have been removed. Mr. Bruyn asked if the surveyor could show the base of the tennis court on the survey, and submit a copy of such to the Building Dept. Ms. Chepiga asked if anyone present had any further questions or would like to be heard. No one did. Ms. Chepiga asked for a motion to approve this variance.

MR. JUDGE MADE A MOTION TO GRANT THE REQUESTED VARIANCE PROVIDED THE REQUESTED SURVEY BE SUBMITTED. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter on the agenda today was the application of **CHARLES HAMMER and WENDY HAMMER of 3 BARKER LANE [SCTM# 902-7-1-28] for:** a variance from the provisions of §196-12A (Table of Dimensional Regulations) in order to permit the expansion of a rear covered porch with a rear yard setback of 60.7' where 70' is required, and all other necessary relief on a nonconforming, 31,090 sq.ft. parcel of land located on the westerly side of Barker Lane, approximately 134' south of Quogue Street in the A-3 Residence District.

Rocco Lettieri was present at the meeting for the applicant. He explained that the owner would like to expand the back covered porch area. The only other option besides the requested variance would be to build an additional structure, which would cause lot coverage issues. The 130 sq. ft. they are looking to add onto the back porch would be much less of a non-conforming impact for the property. Mr. Tolley asked if this would only be one story, Mr. Lettieri confirmed this, and that the height would be conforming. Ms. Chepiga asked if anyone at the meeting had any questions. As no one did, she asked for a motion to approve this application.

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

4) The next matter on the agenda for today was the application of **BENEDICT P. MORELLI and ARLENE MORELLI of 12 DUNE ROAD [SCTM# 902-12-2-7] for:** variances from the provisions of (1) §196-12A and §§196-47A& C(1) in order to permit the construction of a new dwelling with a height of 38'6" where 37' is the maximum permitted; (2) §80-10B(g) in order to permit the construction of a new swimming pool in the dune area south of the CEHA line (2) §80-10B(k) in order to permit the reconstruction of a deck in the dune area south of the CEHA line; and (3) all other necessary relief on a 126,713 sq.ft. parcel of land located on the southerly side of Dune Road, approximately 25' west of Water's Edge Drive in the A-1 Residence District.

Mr. Nobiletti and Mr. Lehman (AML Architects) were present at the meeting for the applicants. Mr. Nobiletti reviewed the application. He explained that the applicant would like to demolish the current home down to the existing pilings, and reconstruct a new home, deck and swimming pool. The current home was built in 1994, and was issued a Certificate of Occupancy. A height variance was granted in 2005 for 42 ft. The height variance that is currently being requested is 3.5 ft. lower than what had been granted in 2005 by the ZBA. Mr. Nobiletti explained that 640 sq. ft. of the deck and pool have been determined to be within the Coastal Erosion Hazard Area and would need a variance to be reconstructed. The Code had been changed in 2011, and this area is now south of the Coastal Erosion Hazard Line. Mr. Nobiletti explained that after the demolition is completed, the project Engineer will evaluate the existing pilings and girder to determine if any additional pilings would be needed. If necessary, they will be added to the already disturbed area. Mr. Nobiletti noted that the change in the Code created a hardship for this property, in that the building envelope was reduced more so than other properties in the A1 District. Mr. Peiffer asked if this would be considered a new build. Mr. Nobiletti said yes – everything but the piling system would be a new build. Mr. Peiffer asked why the everything couldn't be moved North, and still utilize the pilings. Mr. Nobiletti replied that replacing the pilings would be both expensive and environmentally disruptive to the area. Mr. Bruyn asked if the pilings have been evaluated to see if they can be reused. Mr. Nobiletti submitted a drawing of the pilings, and said the pilings would

have to be evaluated after demolition of the structures. Mr. Lehman of AML Architects spoke next. He explained that the house is being moved as close as possible to the street to accommodate the new septic system. He noted that the pool location will maximize the usable space between the pool and the house. Mr. Tolley asked why the pool could not be built in the existing location. Mr. Lehman said that the space would be more usable if the pool was over to one side. Mr. Peiffer expressed his great concern in considering granting any variances in the Coastal Erosion Hazard Area, especially with the project being a new build. Mr. Nowak asked the dimension of the proposed pool. Mr. Lehman said it was 18 x 44 and the trough was another 4 ft. Ms. Chepiga asked what would happen if the pilings are determined to be unusable. Mr. Lehman said all of the house pilings are definitely usable. Mr. Nowak asked about the quantity of freeboard being used, as 2 ft. would be required. Mr. Lehman said they would be using 4 ft. of freeboard. Mr. Nowak asked if the driveway could be reconfigured to push the septic system to the North. Mr. Lehman did not think this would be a practical solution due to the location of the garage and the tennis court. Mr. Bruyn asked for more detail about the height variance requested. Mr. Lehman replied they have reduced the roof height and they will provide Mr. Nowak with all necessary drawings. Mr. Judge asked if the DEC would have to approve this project. Mr. Nobiletti said the DEC will rely on the Village. Mr. Nobiletti spoke of the current disturbed area and how no matter what structure is built there, the windborne particles of sand would be impacted. Mr. Peiffer asked about the dimensions of the new pool, would it be larger than what is existing. Mr. Lehman said since it is an infinity pool, it has a spillover area. Mr. Judge asked of the square footage of the new house. Mr. Lehman said the current house is 9,100 sq. ft. and the proposed house would be just over 11,700 sq. ft., approximately 600 sq. ft. below what is allowable. Mr. Ryan asked if this would be considered a new build or a renovation, and if there is any way to avoid variances into the Coastal Erosion Hazard Area. Mr. Nobiletti said they are only looking to utilize the current disturbed area, as it is already south of the CEH line. Mr. Bruyn inquired about how many new pilings would need to be added. Ms. Chepiga expressed concern over demolishing the usable pool, and constructing a larger pool south of the CEH line, she did not feel that this could be considered a hardship situation. Mr. Peiffer also questioned that this would be considered a hardship. Mr. Bruyn explained that since this is a reconstruction, they would need documentation of the economic hardship. Mr. Tolley said he also felt that the pool could be built using the existing pilings and still be conforming. Mr. Nowak said that if the existing deck pilings were used for the construction of a pool, many more pilings would need to be added to support the additional weight. Mr. Lehman said more pilings would need to be added, but would be contained to the already disturbed area, and not beyond. Ms. Chepiga asked if more information could be provided regarding the number of pilings and the economic impact of this project. Ms. Chepiga asked if anyone present had questions or would like to be heard. No one did, and she asked for a motion to adjourn this application to the August meeting.

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

5) The next application on the agenda for today was the application of **SHARON WEINREB of 45 DEERFIELD WAY [SCTM# 902-1-1-17.27] for:** variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to legalize and modify an existing tennis court with a northeasterly side yard setback of 8.5' where 25' is required; (2) §196-12A in order to legalize and modify an existing tennis court with a street setback from Scrub Oak Road of 57' where 60' is required; (3) §196-12A in order to legalize an existing deck with an outdoor bar with a southwesterly side yard setback of 13.2' where 25' is required; (4) §196-12A in order to legalize an existing canvas awning with metal frame over an existing deck and attached to the principal dwelling with a southwesterly side setback of 20.1' where 25' is required; (5) §196-22B to legalize an existing stacked stone retaining wall associated with the sunken patio and basement entrance to the dwelling with a side yard setback of 16.1' in the westerly required side yard that exceeds 2' and does not have 40% visibility; (6) §196-22B to legalize an existing retaining wall by basement stairwell associated with the sunken patio and basement entrance to the dwelling with a side yard setback of 24.5' in the westerly required side yard that exceeds 2' and does not have 40% visibility; (7) §196-22B to legalize an existing fence associated with the sunken patio and basement entrance to the dwelling with a side yard setback of 21.6' in the westerly required side yard that exceeds 2' and does not have 40% visibility; (8) §196-12A to legalize existing walkways and sunken patio associated with the basement entrance to the dwelling with a westerly side yard setback of 24.5' where 25' is required; (9) §196-12A in order to permit a lot coverage in the amount of 20.38% for the existing and proposed improvements including the sunken patio, proposed 12' by 24' garage, and proposed 8.3' by 20.3' shed; and (10) all other necessary relief on a 44,313 sq. ft. parcel of land located on the northerly side of Scrub Oak Road and southerly side of Deerfield Way in the A-3 Residence District.

Attorney Kittric Motz and Michael Weinreb (applicant's spouse) were present at the meeting for the applicant. Ms. Motz reviewed the application. She explained that there are three aspects to this application. The first issue is the tennis court and the fence. When the original Certificate of Occupancy was issued, the survey only showed the tennis court base, with no fence around it. Prior to the applicant's father purchasing the property in 1984, a fence had been constructed around the court. The applicant is looking to legalize the existing fence and court. The second aspect of the application would be the deck extension. A building permit was obtained in 1984 to construct the 324 sq. ft. extension, but the permit was never closed out. Although the deck violates the setbacks, it has been in existence since 1984, and was built according to the building permit. The applicant is requesting to legalize what is currently in place, including the awning and outdoor kitchen area that was built over the pre-existing deck. A building permit was filed last week that covers the awning, pool house, shed, roofline change, and driveway gatepost removal. They plan to amend the application to include the outdoor kitchen area which will not need any variance relief. Ms. Motz submitted to the Board photos of the existing seasonal awning area. The next aspect is in regard to the fence and retaining wall area, including the gravel pit area that leads out from the basement. Ms. Motz noted that the exterior retaining wall is 24.5 ft. from the side yard, and would qualify for the 6 in. grace, and the rest of the feature does not encroach at all. Mr. Nowak confirmed this. Ms. Motz reviewed photos of this area. Mr. Bruyn asked if the finished basement area is on the Certificate of Occupancy. Ms. Motz confirmed that it is, and was constructed with a permit in 1984. Mr. Bruyn asked when the tennis court changed. Ms. Motz replied that it was sometime between 1982 and 1984. Mr. Weinreb said that the tennis court was

altered before his father in law purchased the house, and no one had realized it was not in conformance. He explained that it was discovered recently when they applied for a building permit for the garage. They want to legalize what is currently on the property and move forward. Mr. Bruyn asked if there was anything on the property that could be altered to bring the property into conformance in regard to lot coverage. Ms. Motz explained that reducing the area of the tennis court would be a great detriment to its use. Mr. Bruyn asked about two surveys submitted having different lot coverage calculations. Ms. Motz explained that the shed was moved to an existing masonry area, decreasing the lot coverage. Mr. Byun asked the square footage of the lot coverage variance requested. Ms. Motz explained that they are asking that the gravel area and the pool walkway be excluded from the lot coverage calculation. The applicants would like to add a garage to the property. If the walkway and the gravel area are excluded, the garage area could be added, and the property would then be in compliance with lot coverage. Mr. Nowak felt the walkway could be excluded, but was unsure of the gravel area, even though it was below grade. Mr. Bruyn asked if a survey could be submitted showing what the lot coverage would be if the gravel area and the 14 ft garage were included in the calculation. Ms. Motz said she would get the new survey. Mr. Peiffer asked what the shed would be used for. Mr. Weinreb relied that it would be used as a pool house. Mr. Tolley expressed his concern about the tennis court fence, and the precedence it would set. Ms. Motz asked if maybe they could use deer fencing to replace some of the fence. Mr. Weinreb thought maybe they could put a moveable gate in the area. Ms. Chepiga thought some other options should be explored. She asked if anyone had any questions, as no one did, she asked for a motion to adjourn this application to the next meeting.

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

6) The next matter on the agenda was the holdover application of **KARA GERSON – 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. Chepiga explained that this matter had been adjourned for written decision at the last meeting. A decision has been prepared and she asked for a motion from the Board to approve.

MR. PEIFFER MADE A MOTION TO APPROVE THE WRITTEN DECISION. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

7) The last matter on the agenda today was the holdover 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 the applicant’s Attorney Heather Wright had requested that this matter be adjourned until the August meeting.

As there was no more business before the Board, Ms. Chepiga closed the meeting.