

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY AUGUST 18, 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 then set the date of the next meeting to Wednesday, September 22, 2021 at 3pm. Ms. Chepiga then asked for a motion to approve the minutes of the July 21, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 21, 2021 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter on the agenda today was the application of **THE QUOGUE LIBRARY at 90 QUOGUE STREET [SCTM# 902-10-1-13 & 20] for:** variances from the provisions of §196-12A (Table of Dimensional Regulations) and §196-22 A & B (height of Fences) in order to (1) construct 193 linear feet of 6' high solid wood fence along the westerly property line in the required side yard with a height that exceeds 2' and does not have 40% visibility; (2) construct a 6' high solid enclosure fence and gate around an existing generator in the required side and rear yards that exceeds 2' and does not have 40% visibility, and with a rear yard setback of 21.6' and a side yard setback of 21.5' where 25' is required; and all other necessary relief on a 71,173 sq.ft. parcel of land located on the northwesterly side of Quogue Street (Main Street), approximately 487' northeasterly of Old Depot Road in the A-3 Residence District.

Attorney Kittric Motz and Quogue Library Board of Trustees President Barbara Sartorius were present for this application. Ms. Motz reviewed the application. She explained that neighbors of the Library have requested that a 6 ft. solid fence be installed along the westerly property line, and around the generator area. Mr. Peiffer asked how high the generator is. Ms. Motz said she believes it is approximately 4 ft. high. Mr. Peiffer asked if landscaping could be installed in the area to achieve the same screening result. Mr. Tolley asked if the neighbors have complained about the noise of the generator. Ms. Sartorius said that the noise is not the issue, the neighbors just want the generator to not be visible. Mr. Ryan said that he thought that plantings would be a better option. Ms. Chepiga asked if Ms. Motz would like to withdraw the request for the fence around the generator, and go with the landscape option. Ms. Motz agreed to withdraw this request. Ms. Sartorius explained that the neighbors specifically requested a 6 ft. solid fence along the westerly fence because their porch looks out to the garbage area, and because of the lighting in this area. Mr. Tolley asked if there could be some kind of compromise between fencing and landscaping.

Ms. Sartorius said she will speak to the neighbors. Ms. Chepiga asked if anyone else would like to be heard on this matter. As no one did, Ms. Chepiga asked for a motion to adjourn this application.

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

3) The next matter on the agenda was the application of **FOUR WINDS PROPERTIES, LLC at 20 DUNE ROAD [SCTM# 902-12-2-10] for:** variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to expand and reconstruct a nonconforming terrace with an easterly side yard setback of 19' where 25' is required; (2) §196-12 and §196-22B to permit the reconstruction and extension of a nonconforming 5' retaining wall in the easterly required side yard with setbacks of 5.2', 8.5' and 17.8' where 25' is required and where such retaining wall exceeds 2' in height and does not have 40% visibility; (3) §80-7B, and §80-10B(1)(g), (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, patio, planters, pillars, outdoor kitchen and steps, south of the Coastal Erosion Hazard Area (CEHA) line; (4) if necessary, §196-72 for an extension of a decision dated June 9, 2018 in order to permit the applicant to complete required conditions; 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 for the applicants. Ms. Motz reviewed the application. She explained that this is the second application for this property that has been submitted recently to the Board. The first application was withdrawn due to a lot coverage issue. The project has since been redesigned, and lot coverage is now in conformance. The proposed pool will be relocated out of the Coastal Erosion Hazard area, north of the line, and they want to pave over the area to create an expanded terrace. The current pool area is 323 sq.ft., and the proposed terrace area south of the coastal erosion line is 1,569 sq.ft., which amounts to a 21% increase in the terrace. The terrace is currently 19 ft. from the side yard setback. If the terrace steps were not being reconfigured, the expansion would be allowed, without a variance, as a non-major addition to the structure. The front entrance way is being modified to accommodate the septic system, which is included in one of the open Building Permits. Ms. Motz said that Mr. Nowak noted in his review that relief would be needed for the sanitary system as a new structure in the Coastal Erosion area. Ms. Motz said the septic system was included under Building Permit 21-0017, has been approved by the SCHD, and is on the site plan and should be included in the requested relief. Ms. Motz explained that all of the construction will be FEMA compliant, and she feels they are asking for the minimum necessary relief. This area is in an X Zone, and DEC has issued a non-jurisdiction letter for this project. Mr. Bruyn inquired about the existing retaining wall. Ms. Motz said the timber retaining wall is supporting the pool and the existing terrace. Mr. Tolley asked if the timber retaining wall would remain, and if it would continue south of the Coastal Erosion line. Gabriella DAngelis, Landscape Architect, reviewed the retaining walls. She said the wall to the south supports the terrace now, and the new terrace will be set on pilings. The retaining wall to the east

will remain the same. Mr. Nowak asked if the wall is structurally necessary since the proposed pool is going to be concrete gunite. Ms. DAngelis said the wall is necessary for the structural integrity of the connecting portions of the pool, and for the terrace and the additions. Mr. Tolley asked if anything could be moved more to the north. Ms. Motz said it would not be a practical solution in relation to the outdoor kitchen. Ms. DAngelis explained that it would cause a lot coverage issue if they were to move to the north. Next, Ms. Motz reviewed the area variance request. They are proposing to extend the wall around the terrace, north of the Coastal Erosion Line. The pool equipment would be located under the pool house. The retaining wall is currently at 8.5 ft. setback, and is proposed to be at 17.8 ft., and does rise over 5 ft in areas, and would need relief. Mr. Nowak noted that part of the terrace that is being eliminated is actually becoming part of the addition. Ms. Motz said that 603 ft. of hardscape that was south of the Coastal Erosion Line is being eliminated. Mr. Tolley asked if the setbacks are changing. Ms. Motz replied that only in the 17 ft. area, the rest is to stay the same. Owner Elizabeth McCoun spoke next about the need to have the terrace next to the house to accommodate the family's needs. Mr. Bruyn inquired about the covenants and Ms. Motz said she would follow up with them at the next meeting. Ms. Motz asked if this could be adjourned until the next meeting and they will submit a revised site plan. Ms. Chepiga asked if anyone else at the meeting had any questions or would like to be heard. As no one did, she asked for a motion to adjourn the application until the next meeting.

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

4) The next matter on the agenda for today was the application of **DUNE PART 3, LLC at 98 DUNE ROAD [SCTM# 902-15-2-4 & 5] for:** variances from the provisions of (1) §196-12A in order to permit the construction of a new two-story dwelling with a total side yard of 50' where 60' is required; (2) §196-12A to permit the new dwelling to have a setback from Dune Road of 50' where 60' is required; (3) §196-12A to permit entrance stairs to the new dwelling to be setback 45' from Dune Road where 60' is required; (4) §196-12A, §196-47 A & C and §196-48 in order to permit the construction of a new dwelling with a height at elevation 42.77' AMSL where the maximum height permitted in the required side and front yard shall not exceed 16' or elevation 21.9' AMSL; and all other necessary relief on a 45,243 sq.ft. parcel of land that is the combination of two tax lots located on the southerly side of Dune Road, approximately 2,010' west of Ocean Avenue in the A-1 Residence District.

Attorney Kittric Motz was present for the applicants. Ms. Motz explained that an issue that has come up because these two properties are two separate tax lots. She said that she did not handle the closing but she has seen the deed, and the properties are now deeded to common ownership. Ms. Motz has spoken with the Town of Southampton, and to merge these two properties, they would just make a request to the Town and provide certified copies of the deeds. Once the owner has received notice that the deeds have been recorded by Suffolk County, they will request a certified copy, and merge the two parcels. Mr. Bruyn asked if a copy of the deed could be submitted. Ms. Chepiga asked if any of the requests would change due to the merger. Ms. Motz

said no, there would not be any changes. Ms. Motz reviewed the application. She explained that most of the house is south of the Coastal Erosion Line, there is a framed garage and two decks. They are proposing to demolish the house, and rebuild the house and the pool north of the Coastal Erosion line. They are proposing to eliminate the cocktail deck closest to the ocean. There is a deeded right of way belonging to 97 Dune Rd, and the owners have no objections to this proposal. They would like to have a walkway going down the westerly five feet, and then cutting across diagonally to join the existing walkway. This way there would only be one walkway on the property. Mr. Peiffer asked if the proposed walkway would be elevated, as the existing walkway is currently not. Ms. Motz said yes, it would have to be elevated to meet code. Mr. Tolley asked if they have spoken to the neighbor to the east, as the proposal would be right up against their property. Ms. Motz said they have not spoken with them. Mr. Bruyn said that the felt the walkway request should be re-advertised. Ms. Motz said she will submit a new application pertaining to the walkway. Mr. Tolley said the Board would be nervous about having the walkway so close to the neighbor's property. Mr. Judge asked who was the owner of the wood fence. Ms. Motz did not know, but it appears to be on the west side of the property line. Ms. Motz pointed out the Coastal Erosion line in this area is quite close to Dune Road. She cited other surrounding properties that have been granted setback relief. She pointed out that the house does not need overall height relief, only height relief in the required yard. The grade at the house is 8 ft, and the road is 3.8 ft, so the average would be 5.9 ft, and would not require overall height relief. She noted this is an undersized lot with a small building envelope because of the Coastal Erosion line. Mr. Peiffer pointed out that the lot coverage was at the maximum 20%, which would leave no room for error, especially on a new build. He cautioned that the Board would not look favorably on any errors in regard to lot coverage. Ms. Motz replied that she understood. Ms. Chepiga asked if the proposed walkway would count toward lot coverage. Mr. Nowak said it would count if it was 4 ft or more. Ms. Motz said they would be sure to keep it under 4 ft. Ms. Chepiga asked if anyone at the meeting had any questions, or would like to be heard. No one did, and she asked for a motion to approve this application.

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

5) The next matter on the agenda today was the holdover application of **37 BAY ROAD INC. (NICK MESSINA) at BAY ROAD [SCTM# 902-6-1-18.11]** for: 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 noted that Attorney Heather Wright has requested an adjournment until the September meeting.

6) The next matter on the agenda was the holdover application of **BENEDICT P. MORELLI and ARLENE MORELLI at 12 DUNE ROAD [SCTM# 902-12-2-7] for:** application 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.

Michael Nobiletti was present for this application. Mr. Nobiletti submitted additional information to the Board. Architect Kirk Lehman explained that design wise, there is no change to the request. In working with their Engineers, they were able to maintain the full structure of the deck south of the Coastal Erosion line. They are now just asking to be allowed to resurface the existing deck and siding. They will be keeping all of the current joists, piles, and everything else intact. The pool will be moved completely north of the Coastal Erosion line. Mr. Nobiletti said they are still requesting the height variance. Architects Kirk Lehman and Richard Acierno reviewed the amended proposal. They noted that the height variance requested is significantly less than what had been approved in 2005. The volume will be reduced from 2,500 cubic ft to just under 400 cubic ft, and the height decreased from 42 ft. to 38.5 ft. Ms. Chepiga asked if anyone had any questions or would like to be heard on this matter. No one did, and she asked for a motion to approve the amended application as per the latest submitted plans.

MR. PEIFFER MADE A MOTION TO APPROVE THE AMENDED REQUEST AS PER THE LATEST SUBMITTED PLANS. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

7) The last matter on the agenda today was the holdover application of: **SHARON WEINREB at 45 DEERFIELD WAY [SCTM# 902-1-1-17.27] for:** an application 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 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 and Michael Weinreb were present for this application. Ms. Motz said that her client has looked into alternatives to the fence. They found two options. The first option has an aerial wire attached to posts to create a curtain, and the second is a collapsible fence. The problem with the collapsible option is that the deer tend to get stuck in them. The curtain barrier is not really a good option, as it depends on the user to open and close the barrier, and would also require posts. As an alternative, they are proposing to lower the fence to 8 ft., paint it black and plant additional landscaping in the area between the fence and the house. Mr. Bruyn asked if they are still proposing to enlarge the garage to 14 ft. Ms. Motz replied that would like to go with the larger garage as they believe there is enough room in the lot coverage now. She noted that if the items requested are excluded from lot coverage and they go with the expanded garage the lot coverage would be at 20%. Mr. Bruyn asked for a survey to be submitted with the new calculations, and the larger garage. Mr. Tolley and Mr. Peiffer thought the problem with the fence is the location, not the height. Ms. Motz noted that other surrounding properties have a similar issue, as they were built by the same builder. Ms. Chepiga asked if anyone else present had any questions or would like to be heard. No one did, and Ms. Chepiga asked for a motion to approved the amended request.

MR. RYAN MADE A MOTION TO APPROVE THE REQUEST AS AMENDED. MR. JUDGE SECONDED THE MOTION. THE FOLLOWING WAS UNANIMOUSLY CARRIED:

RESOLVED, that the application of SHARON WEINREB 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; and (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; 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 known as 45 Deerfield Way and designated as SCTM# 0902-001.00-01.00-017.027, are hereby warranted and granted WITH THE CONDITION that an updated survey be submitted noting the gravel planters and walkways less than 4' excluded from lot coverage calculations and all remaining buildings and structures (existing and proposed) with a total lot coverage not to exceed 20%.

As there was no more business for today, Ms. Chepiga adjourned the meeting.