

**ZONING BOARD OF APPEALS  
SATURDAY, JULY 12, 2014  
4:00 P.M.**

**Present:** Chairman Robert Treuhold, Charles Mott, Ogden Lewis, T. David Mullen, Brendan Ryan, and Village Attorney Richard DePetris

**Absent:** Alexander Ames

1) Chairman Treuhold brought the meeting to order. The minutes of the **June 7, 2014** meeting were approved into the record. Mr. Treuhold also included that the next meeting would be held on **August 16, 2014** at **4 PM**.

2) First, was the holdover application of **Robert Merckle at 5 Bayberry Road (TM #902-4-2-39)**. The board issued a written decision in the Merckle matter.

**DECISION: MR. TREUHOLD MOVED TO ADOPT THE WRITTEN DECISION GRANTING THE MERCKLE APPLICATION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) Next was the holdover application of **Michael Gramins at 6 Arbutus Road (TM #902-4-2-31)**. The board issued a written decision in the Gramins application.

**DECISION: MR. TREUHOLD MOVED TO ADOPT THE WRITTEN DECISION FOR THE GRAMINS APPLICATION INTO THE RECORD. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the holdover application of **Laura Berdon at 11 Bay Road (TM #902-6-1-8)**. The board issued a written decision in the Berdon application.

**DECISION: MR. TREUHOLD MOVED TO ADOPT THE WRITTEN DECISION FOR THE BERDON APPLICATION INTO THE RECORD. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next was the application of **Dune Designs LLC** for a setback variance to 19.4 feet from the westerly line for proposed deck addition to swimming pool deck and for a coastal erosion hazard area variance for such addition and for proposed triangular deck addition. Premises are known as **86 Dune Road (TM #902-12-3-18)**.

Attorney **Kittric Motz** was present for the applicant, along with the architect, **William Mitchell**, and the principle of the application, **Aaron Slonin**. Mrs. Motz explained that the lot was undersized in width, and it only had 89.98 feet of road footage instead of the usual 150' for that zone. They were seeking 149 SF. deck addition, and a total side yard setback to 42.9' of which 2.2' was previously granted of the 7.1' that was needed. Referring to the photos in her packet, Mrs. Motz explained how very narrow the westerly area of the pool was, and the difficulty to traverse that area. She explained that since the pool is elevated 17'11", it not a situation where, if you needed extra room to move around the pool you could just step back onto the grassy grade level area. The prior owner designed and built the pool area and the pool cannot be relocated to a more conforming location. Because the family has a 5 year old child, it would be necessary to supervise the child for safety reasons. Mrs. Motz explained that their requested variance was similar to the variance the board granted to the owners of 81 Dune Rd., in a similar elevated scenario where the family needed more space at one end of the pool in order to be able to sit and watch the young child. In this situation there was no room to put a chair at that end of the pool deck to watch a child. There was actually less than 3 feet to move around, and the wall shown in the photo meant they had no give or extra room. Attorney Motz included that there would be no new pilings driven into the ground, and she felt they were requesting the minimum amount possible.

The neighbor, **Mark Burchill**, at **84 Dune Road**, whose property was immediately to the west, came forward to object to the application. His main objection was that the requested addition might change the use of the area around the pool into one where people might congregate. He felt that would effectively move the living area of the deck closer to their property. He included that elevated walkways in Quogue were 4 feet wide so the 5 foot area his neighbors already had by their pool should be a safe and sufficient amount of space to traverse. He was very disappointed and concerned because the owner of the property was on record in the New York Times as saying he would use his house as rental property. Mr. Burchill had no objection to the request to square off the triangular portion of the deck. He did say that if the board was going to grant the other part of the requested application, he would hope it would be for less than 6 feet.

The neighbor, **John Cooney**, at **78 Dune Road**, property to the west of the Burchill's, made objections. His concern was the adding of more material south of the coastal erosion line. He also felt the deck would definitely significantly effect the Burchill's privacy, with noise and activity at night, especially if the house becomes a rental property.

Mrs. Motz came forward to explain that the Burchill parcel is not directly adjacent to her client's property as there was a 10 foot R.O.W. that separated the two parcels. She felt that moving 6 feet closer would not impinge on Mr. Burchill's property, since they would

not actually be moving 6 feet closer to Mr. Burchill's property line. She also did not feel that people would be congregating in that area of the deck. As far as the article in the New York Times, Mrs. Motz pointed out that the owner is not renting the house this summer and he indicated that if he did not rent he would be using the house himself. She pointed out that even renters have small children so the liability to be able to have room to watch a child still existed. As far as the passage of a dune walkway being sufficient at 4 feet, she explained that you do not sit on a dune walkway, nor do you supervise children from a 4 foot elevated walkway. In reference to adding more material south of the coastal erosion line, she explained that the only material they planned to add would possibly landscape materials. They would not be putting in any pilings or diving any posts. Mr. Mitchell had a landscape plan to present to the village. Mr. Slonin came forward to explain that they would like to put a chair on the small portion of the deck, and still be able to pass by while supervising their little daughter. He also explained that he knew what it was to want and respect privacy and he planned to be a good neighbor and respect the Burchill's privacy by putting in landscape plantings with rather tall trees creating a natural barrier, but he did want to receive the variances he had requested. After that, Mrs. Motz explained to the board, the landscape plans, with the use of drawings in her packet.

**DECISION: THE BOARD DECIDED TO ADJOURN THE APPLICATION OF DUNE ROAD DESIGNS LLC FOR FUTTHER DISCUSSION BEFORE MAKING A FINAL DECISION.**

6) Next was the application of **Scott and Victoria Sartorius** for a front yard variance to 58.1 feet, a height variance to 23' 9" within required front yard, a rear yard variance to 59.8 feet and a height variance to 20' within required rear yard in order to permit proposed additions to existing house. Premises are known as **22-24 Old Point Road (TM #902-5-1-27.2)**

Architect **Jean Stoney** was present for the applicants. She submitted a revised survey to the board showing a slight difference in the dimension of the breezeway connecting to the garage. She explained that the property was a very limited site and showing the board the location of the existing one-story bed room that was being removed. She explained that they wanted to square off the front of the house and a garage bay. The total variance they were asking for was 175 SF. Their request was quite similar to the variance requested and granted back in 2008 for the same property, which variance was never acted upon. Ms. Stoney and the board agreed that the garage will not have a second floor inside. It seemed that after the time the property was subdivided, the garage was used as a pool house. No one had ever lived in it and it was not heated. It does have bathroom facilities and running water in the bathroom. The Sartorius would like to continue the use as a pool house. The board felt it would be helpful to have a floor plan of the building to see what was actually involved and to resolve all the structures on the property, as to what should be allowed to remain and what should be removed.

The neighbor at **23 Old Point Road, Patricia Misasi** came forward to object to the variance. She explained that the addition would be directly across from her front door and

den and would be blocking the sunlight. She said she objected aesthetically to the variance and after driving around Quogue, saw nothing similar to the structure. She also objected to the structures closeness to the street. Another neighbor, **Margaret Rappaport**, at **8 Old Point Road** was speaking for her neighbor, **Ray White**, at **20 Old Point Road**. They did not object to the original garage, but did object to the newer revised one and felt it was a looming structure, higher than the rest of the house. They did not approve of the second story height or the fact that it had garage doors for purposes they were not sure of. **Patty Allen**, the neighbor at **9 Old Point Road** was present to explain that she and her neighbors like the present feeling of Old Point Road area, and felt that the Sartorius property was not big enough to have what she felt was a massive addition. Ray White explained that the addition would loom over his property, and he wished the Sartorius would make the garage only one-story in height. Architect **Stuart Disston** then explained that the Sartorius garage is attached and is completely conforming in its setbacks, and did not need a height variance, and that the garage was not the issue for which that they were before the board. The board asked if he was willing to reduce the height of the garage anyway. Architect Jean Stoney said they could reduce the garage height and still make it look good.

**DECISION: THE BOARD DECIDED TO ADJOURN THE SARTORIUS APPLICATION TO SEE THE PLANS FOR THE ATTACHED EXISTING GARAGE AND TO SEE REVISED PLANS FOR THE ATTACHED GARAGE REDUCED TO A 20 FOOT HEIGHT.**

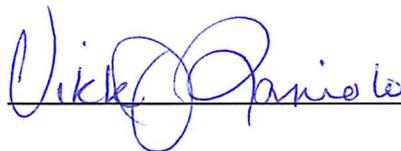
7) Next was the holdover application of **Richard and Deborah Kadlick** at **106 Old Depot Road**. Architect **Stuart Disston** was present for the Kadlicks. He made sure all the board members had seen the plans he submitted for the house. After reviewing the plans, Mr. Treuhold explained that the board now understood what Mr. Disston was trying to do with the Kadlick house. They were still concerned with the one-story framed garage, which was very close to the street and not in a conforming location, and had a room that was at one time characterized as an apartment. It also seemed that the Kadlicks were now intending to put in a swimming pool and wanted to preserve the right to use part of the garage as a pool house. Mr. Kadlick explained that their house didn't have much storage area so they wanted to be able to use the one side of the garage for storage. The board wanted to know if the Kadlicks would be willing to covenant that the side being used as a pool house would never be used for habitable space. Mr. Kadlicks agreed and added that he would have no problem putting in a block wall to make a permanent divide of the two sides.

**Kittric Motz**, as representative for the **Bauers**, explained that the Bauers had previously been satisfied with the Kadlick's proposed plans, but now she felt that the discussion of the swimming pool was something they were not aware of, and since no building located in a nonconforming location can be made into a pool house, she was concerned for her clients. At whatever point there is an application for a pool house, she felt her client's needed to be made aware of such. The board agreed.

**DECISION: MR. TREUHOLD MOVED TO GRANT THE REQUESTED VARIANCES SUBJECT TO THE FOLLOWING CONDITIONS: WITH RESPECT TO THE EXISTING ONE STORY FRAMED GARAGE, ANY RIGHT TO USE ANY PART OF THAT BUILDING FOR AN APARTMENT OR FOR SLEEPING OR FOR LIVING PURPOSES, IS ABANDONED BY THE APPLICANTS. THE APPLICANTS HAVE AGREED TO THE FOLOWING CONDITIONS AT THIS TIME: WITH RESPECTS TO SUCH GARAGE BUILDING, SUCH BUILDING SHALL NOT BE USED FOR ANY USE OR PURPOSE OTHER THAN A GARAGE OR STORAGE WITHOUT APPROVAL FROM THE ZONING BOARD. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

The meeting was adjourned.

Respectfully submitted by:



File date:

8-11-14