

**ZONING BOARD OF APPEALS
SATURDAY, MARCH 11, 2017
3:00 P.M.**

Present: Chairman Robert Treuhold, Charles Mott, Alexander Ames, Brendan Ryan, Bruce Peiffer, and Village Attorney Richard DePetris

Absent: T. David Mullen

1) Mr. Treuhold brought the meeting to order. He indicated that there was a quorum present. He said the first order of business was to approve the minutes of the **January 28, 2017** meeting.

MR. AMES MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 28, 2017 MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold explained that since the board currently had no applications for review, the next meeting would be held on Saturday, **May 6, 2017, at 3 PM.**

Mr. Treuhold said that the board had received a request by **Penniman's Point Limited Partnership Lot No. 3** for an extension of their two-year period variance, originally granted in January, 2003. The last extension was granted 2 years ago, in January of 2015, and they were now requesting another 2-year extension. As there was no one present to discuss the application, Mr. Treuhold asked for a motion to approve the variance.

DECISION: MR. AMES MADE A MOTION TO APPROVE THE TWO-YEAR EXTENSION FOR PENNIMAN'S POINT LIMITED PARTNERSHIP LOT NO. 3. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) Next was the new application of **R. Fletcher Hall** for a fence/open space variance in order to permit proposed stockade fence with a height of 6 feet. Premises are known as **137 Montauk Highway. TM #902-4-2-5**

Mr. and Mrs. Hall were present for the discussion. Mr. Hall explained that he and his wife owned the house at the S/E corner of Montauk Highway and Quogue/Riverhead Road (Route 104). He said that they live on a very busy, highly trafficked intersection, and that at night the headlights from cars shine right through their house. He explained that his father, who originally owned the property, planted a row of arborvitae around the property to block out the traffic noise, car lights, and the deer. The hedges were unsuccessful in blocking the deer or the traffic

noise and lights. Mr. Fletcher Hall then built a 6-foot stockade fence, before he realized he needed a variance. The fence has since been removed. He was able to submit photos of the fence for the board's review. Having the fence in place for a short time, gave him the chance to see how well it blocked the noise and lights from the surrounding traffic. He wanted the fence inside his hedge line, about 3 feet off the property line, to keep the deer, lights, and noise out of just that S/W corner of their house, which was closest to Route 104 and Montauk Highway.

Richmond Gardner, the westerly neighbor from **33 Elizabeth Lane**, came forward to get more information about the position of the fence. He had previously submitted a letter to the board in opposition to the Hall's variance. Mr. Hall had not seen the letter from Mr. Gardner, so the board gave him a copy to review. Mr. Hall gave Mr. Gardner an explanation of the proposed position the fence would have in his yard. The Halls explained that the hedges were 3 or 4 feet higher than their proposed fence. The board gave Mr. Gardner a copy of photos of the proposed fence. Mr. Hall said the noise at the corner intersection of Montauk Highway and Route 104 was the bigger problem, and a structure such as the fence, really did help block all the noise. Mr. Gardner had a distinct feeling against stockade fences in Quogue. Inasmuch as he did sympathize with Mr. Halls predicament, Mr. Gardner said that if the fence could be screened by vegetation, so as not to be conspicuous from the outside, he felt that he would no longer object. Mr. Treuhold explained that while the board did feel badly for the Halls and the issues they were trying to address, the Village Code was very clear in that it did not permit stockade fences except in very limited circumstances, such as near commercial sites and the like. The board suggested a second row of arborvitae, a berm, or a higher deer fence. Mr. Hall said that in driving around Quogue village he counted at least 15 different examples of stockade fences in place, including the entrance to Quogue from Westhampton Beach on Quogue Street. Mr. Treuhold explained that specifically all along Montauk Highway, going east to East Quogue, there were no stockade fences for the purpose of keeping an open view to maintain the nature and character of the Village. The board felt that since there were other solutions that could be used besides a stockade fence, they were not prepared to grant the requested relief. They explained that if the granted this variance, it would also make it much harder in the future to say no to the next person who made a similar request. Mr. Treuhold asked for a motion to deny the requested relief.

DECISION: MR. MOTT MADE A MOTION TO DENY THE HALL VARIANCE. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Respectfully submitted by:  File date: 3/20/17