

ZONING BOARD OF APPEALS
SATURDAY, SEPTEMBER 15, 2018
3:00 P.M.

Present: Chairman Robert Treuhold, Charles Mott, Brendan Ryan and Village Attorney Richard DePetrìs

Absent: T. David Mullen, Alexander Ames, and Bruce Peiffer

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the August 11, 2018 meeting.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 11, 2018 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold said that the next meeting would be held on **Saturday, October 13th, 2018 at 3:00 PM.** He also noted that the next meeting would most likely be held on **Saturday, November 17th, 2018** but that would be confirmed at the October 13th, meeting. He mentioned that the Zoning Board meeting might be held in the morning, if there was a matinee performance scheduled for the Hampton Theater Company.

3) First on the agenda was the application of **Tara Fitzpatrick** for minimum side yard variances to 22.1 feet and a total side yard variance to 44.2 feet for proposed house, a setback variance to 22.1 feet from southerly side line for proposed patio, setback variances to 22 feet from southerly side line and 22.2 feet from northerly side line for proposed detached garage/carport, and a height variance to elevation 24.65 for proposed detached garage/carport. Premises are known as **38 Lamb Avenue. SCTM #902-9-3-5.**

Attorney **Kittrick Motz** was present along with the applicant, **Tara Fitzpatrick.** Mrs. Motz explained that the property was almost the necessary square footage but was only 75 feet wide as opposed to 100 feet wide. That meant that without any side yard relief there was a 25-foot wide corridor down the center of the property. The existing property is not conforming and the owners were proposing to build a one-story, 31-foot wide home that would be placed in the center of the property. They felt that by centering the home, it would be more equitable between

both neighbors as opposed to being closer to the southerly neighbor, and so far back on the property. They would be improving the overall side yard by 6.5 feet. They were also requesting relief for a small proposed patio, at grade level, on the south side of the property between the kitchen area and the master bedroom, where they could place a grill and a small table for outside dinning. The patio would encroach 2.9 feet. They were requesting 3.6 inches for the garage height to remain in its present location. The garage is presently 14.2 feet from the south and they were proposing to make it 22 feet from the south, creating a 7.8-foot improvement on that side. The garage would be 2.8 feet closer on the north side. The house is a prefabricated construction, that will have cedar shingles on the outside making it look more traditional. The Board wanted to know if the clients had considered the installation of the proposed new septic system in the front yard, as they felt it appeared there might be barely enough room for it to fit. They felt the septic system could have an impact on the setback that the clients would have to comply with from the front. Mrs. Motz said she did not have any information on the septic system at that time. She said they would adjust things if necessary. **Ms. Jackson** came forward, representing **Jessica Diehl** the neighbor at **36 Lamb Avenue**. Ms. Jackson read a letter from Ms. Deihl in objection to the Fitzpatrick variances. The letter explained that Ms. Deihl felt that the requested changes by Tara Fitzpatrick would result in their two homes being directly next to each other, with windows looking directly into each other's homes. Ms. Deihl felt that the change would result in a most unpleasant living arrangement. Mrs. Motz felt that from a street point of view, her client's house would be in a conforming location, so Ms. Diehl's objection did not hold much weight. Mrs. Motz submitted photos obtained from an online real estate sight, of the interior of Ms. Deihl's house showing that there were no bedrooms on the first floor that would be facing her client's house. She also said a landscaping plan would be put into place between the houses. The Board felt that the problem with the Fitzpatrick variance request was that it is a new home, and it could be built within the setbacks. It might be smaller, and perhaps they would have to make it two stories, but that too would be allowed. The Board did not feel that the clients had hardships that justified the reliefs they were requesting. Mrs. Motz wanted to adjourn the application for a month to consult with the manufacturer of the home and see what adjustments could be made. Mr. Treuhold noted that prefabricated houses can be customized and that the Board was consequently disinclined to grant broad variances in connection with prefabricated houses. He asked for a motion to adjourn the application.

DECISION: MR. RYAN MADE A MOTION TO ADJOURN THE FITZPATRICK APPLICATION TO THE NEXT MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **35 Ogden Lane East LLC** for a front yard variance to 52.6 feet from Post Lane and a height variance within such required front yard to elevation 39.34 for proposed house, a height variance to elevation 49.065 for proposed cupola on roof, a setback variance to 38.7 feet from boat slip for proposed reconstructed swimming pool, and for yard and height within required yard variances in relation to the portion of the westerly line south of Ogden Lane East. If such portion of the westerly line is a side lot line, applicant requests a side

yard variance to 23.2 feet and a height variance within such required side yard to elevation 39.89 for proposed house. Premises are known as 35 Ogden Lane. SCTM #902-14-1-43.

Attorney Kittric Motz was present along with the applicant Ms. Burns, as well as the architect Robert Lenahan. Mrs. Motz started by making a correction to the application; the date of the amendments to the rear yard setback was 1981, not 1984. She then explained that the existing house was in a severe state of decay and uninhabitable. Originally the house was built in a conforming location. The 1981 zoning change caused that district to have a 70-foot rear yard. The client maintains that the west property line, below the street setback, is a side yard with a 25-foot setback. Mrs. Motz said that whether the Board decides that it is a side yard or a rear yard, her client's plans will remain the same; to build the new home in the same location as the existing house using the same pilings. The client had received DEC permits for their proposed construction. Mrs. Motz explained that the Reiher property, located on the other side of the westerly property line, had a 25-foot setback to the west. Her clients were proposing to construct what they felt would be a very traditional home for the Quogue area. They proposed to construct the swimming pool in the same location, which is 60-foot from the Quogue canal, and a little over 37 feet from the indentation in the boat slip. Both neighbors had been consulted and had no objections to the construction. Mr. Treuholt asked for a motion to approve the application.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE APPLICATION OF 35 OGDEN LANE EAST LLC. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the holdover application of Charlotte L. Bryan for property located at 43 Shinnecock Rd. Attorney Kittric Motz was present to represent the applicant. The applicant's son and his wife were also present. Mrs. Motz submitted a landscaping plan for the client's property. She explained that they were seeking 3.125-foot height relief for a pool house, which was not contingent on the receiving a variance for the roof deck. They need the height to construct a pitched roof to match the existing home. The pool house is proposed to be in a conforming location. The proposed structure would be 15.75 feet from the slab to the top of rail. They were requesting nine-foot ceiling heights because the client's son, Mr. Bill Bryan, was over six-foot tall. Mrs. Motz referred to the photos in her submission packet showing that there was existing mature landscaping on both the north and south property lines. She explained that one of the reasons why the swimming pool was not in the back yard was because of the stray golf balls that ended up in the back yard. The other reason was that their neighbor had a line-of-sight easement across the rear of the client's property restricting any structures to be built above grade in that easement. Mrs. Motz explained that the client was proposing a pool house, having a roof deck to be accessed by exterior stairs. The pool house itself is proposed to be in a conforming location, and of an appropriate size. For the roofline/deck railings, they would need an additional 3.125-foot relief. Mrs. Motz referred to photos in her packet showing what the views would be like from the proposed deck railing. The Board explained that the reason why pool houses were restricted in height was because the village did not want them to look like a second dwelling or guest house on the property. The Board could not find any hardship in reference to

the Bryan application. Mrs. Motz asked if she could adjourn the application to consult with their architect. Mr. Treuhold asked for a motion adjourn the application.

DECISION: MR. RYAN MADE A MOTION TO ADJOURN THE BRYAN APPLICATION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:

Urick D. Smith

File date: 10/9/18