

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, FEBRUARY 23, 2019
3:00 P.M.**

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

Absent: T. David Mullen

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the **January 19, 2019** meeting.

MR. AMES MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 19, 2019 MEETING. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold said the next meeting would be held on **March 30, 2019 at 3:00 P.M.** The Board had not yet fixed a date for an April meeting.

3) The first item on the agenda was the holdover application of **Kirk Davenport at 9 Woodland Way** for a setback variance to 17.5 feet from westerly line in order to retain a portion of the slate patio and a setback variance to 21.3 feet from westerly line in order to retain an existing wood deck. Attorney **Kittric Motz** was present for the applicant. Mrs. Motz said they had submitted a new survey showing the patio to be removed consistent with the prior ZBA variance of 21.3-foot setback. With the use of a survey, she showed the Board a part of the property that was not part of the patio and was not paved, that the owner wanted permission to fill in. Mr. Treuhold said the Board would be fine with that because it was still consistent with the setback. Mr. Treuhold asked for a motion to approve the Davenport application.

DECISION: MR. AMES MADE A MOTION TO APPROVE THE DAVENPORT APPLICATION AS PER THE REVISED SURVEY DATED 2/08/19 WHICH INCLUDED PERMISSION TO FILL IN THE SMALL AREA BY THE PATIO CONSISTENT WITH THE SETBACK. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the holdover application of **Francis Paladino and Claudia Step at 33 Midland Street** for setback variances to 15.7 feet from westerly line for patio, to 18 feet from westerly

line for pergola and to 22.1 feet from westerly line for outdoor kitchen. Attorney **Kittric Motz** was present for the applicant. Mrs. Motz explained that her client was now proposing to remove the patio that is on the west side of the outdoor kitchen. They would then need variances for the outdoor kitchen and for the pergola to stop at the same point as the outdoor kitchen, a setback of 22.1 feet. They would need relief of only 2.9 feet and would thereby avoid the job of relocating the entire outdoor kitchen. Mr. Treuhold asked for a motion to approve the Paladino application as amended.

DECISION: MR. PEIFFER MADE A MOTION TO APPROVE THE PALADINO APPLICATION AS AMENDED. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the holdover application of **Marjorie and Michael Stern** which Mr. Treuhold explained had been withdrawn.

6) Next was the amended holdover application of **Gregory Hoogkamp at 65 Dune Road** for front yard variance to 33.1 feet, minimum side yard variance to 4.8 feet from easterly line, a total side yard variance to 14.9 feet, and a height variance within required yards in order to permit relocating the existing house and elevating the existing house by six feet in its new location. New plans were submitted on 2/11/19. Real estate broker **Craig Carbone** was present for the applicant. Mr. Carbone had submitted plans for the Board, but the Board explained that the plans they requested last month and needed to see should have elevations showing height data for both what is existing and what is proposed for the property. The Board said he had submitted elevation plans showing height data for the existing but they still needed to see elevation plans with height data for the proposed. Mr. Carbone said he would get them the proposed plans. Mr. Treuhold asked for a motion adjourn the Hoogkamp application.

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

7) Next was the holdover application of **The Quogue Library at 90 Quogue Street** for amended application for a front yard/street setback variance to 30 feet from Quogue Street in order to permit proposed relocation of the building known as 1822 Schoolhouse and for fence height/visibility variances in order to permit solid fences having a height of 8 feet along the west, north and east property lines. Attorney **Kittric Motz** was present for the applicant along with **Barbara Sartorius**. In accordance with the requests from the last ZBA meeting, they had submitted a new survey with revisions showing the decking with a more east/west orientation. The survey also shows in linear feet, the three potential fence line distances. It also shows the edge of the parking area to be 9.7 feet from the property line. Mrs. Motz said that after discussion, the Booth/Cole family was no longer requesting a solid fence along their property

line, but would instead be satisfied with a deer fence and landscaping along their property line. Therefore, the Library was only requesting a 36.8-foot fence variance along the west property and a 71.41-foot fence variance along the north Bower property, in each case for a six-foot solid fence. Mrs. Motz explained that the Library would also be complying with the Southampton 'dark-sky' lighting rules in reference to any lighting being installed in and around the parking lot. The Library had not yet finalized a landscaping plan but they did include examples of solid fences that they could be using, as well as some examples of some slatted fencing. The Library was still requesting a 30-foot setback variance from Quogue Street, for moving the Schoolhouse. Mrs. Motz added that the other two small buildings on the property would be moved to conforming locations or removed from the property, so they will not need any relief from the Board.

The neighbor, **Alexandra Bower**, came forward to speak. Her southeastern property line borders the northwestern border of the Library. She said her family heard about the Library's plans by word of mouth, and that meetings with the Library's representative, Mrs. Sartorius, did not go well. She said all of the intensive redevelopment would take place in the back half of the original lot, placing it right up against her yard and home. She had submitted a letter to the Board saying in part that her general concerns were privacy, security and peace, and would like to see the parking lot as far away as possible. Her family did not want to see or hear cars idling or turning around, nor did they want to have car headlights shining into the lower floors of their home. If the lot would be unsecured at night, she would worry about unknown individuals parking back there and being tempted to enter her property through that parking lot. Therefore, they have requested solid fencing since the Library could expand their hours to night time. In her letter, Mrs. Bower was requesting to see any fencing and landscape screening as soon as they became available. She wanted to be reassured that the lot would be controlled during the day to prevent nonstop cars and trucks from entering and that it would be closed and chained at night. She also wanted to be assured that the Police and Fire Dept. would not later reject the plans.

Another neighbor, **Sally Booth**, whose property bordered the Library's, came forward to say that she had not had a chance to look at all the paperwork or plans of the fencing and would appreciate time to examine everything. Mr. Treuhold explained that since the Booths were happy with the lower fencing, and taking all things into consideration, the Board wanted to move forward and resolve the matter at that meeting. Mrs. Booth withdrew her request for a further delay.

Jennifer Oldfield came forward to reiterate her objections from the January ZBA meeting and said that she felt that the Board was making a decision on something, meaning the Schoolhouse, that fundamentally could not exist on that property. Mr. Treuhold thanked her and said they were familiar with her legal position.

Mr. Treuhold explained that with respect to the location of the Schoolhouse, the Board was not inclined to grant the requested setback relief. Mr. Treuhold explained that with respect to the fencing, given the special circumstance that this is a public use property and there is a newly created parking lot, the Board was prepared to grant the limited requested relief of 36.8 feet along the western property line and the 71.41 feet along the Bower property line to the north, in

each case for a six-foot solid fence. The Board asked that the Library work with the neighbors on the selection of the fencing and on appropriate landscaping, and lighting. Mr. Treuhold asked for a motion.

DECISION: WITH RESPECT TO THE LOCATION OF THE SCHOOLHOUSE, MR. PEIFFER MADE A MOTION TO DENY THE REQUESTED SETBACK RELIEF, AND WITH RESPECT TO THE FENCING, TO GRANT THE LIBRARY THE LIMITED REQUESTED RELIEF OF 36.8 FEET ALONG THE WESTERN PROPERTY LINE AND 71.41 FEET ALONG THE NORTHERN PROPERTY LINE FOR SOLID SIX-FOOT FENCING, AS SHOWN ON THE REVISED SURVEY DATED 2/14/19. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

8) Next was application of **Arun Johar** for a front yard variance to 53.5 feet in order to permit proposed reconstruction and alteration of existing front porch and a lot coverage variance to 21.5% in order to permit accessory structures shown on the site plan. Premises are known as 20 Deerfield East. SCTM #902-1-1-18.1

Architect **Walter Hyde** was present for the applicant. Mr. Hyde said that since the last meeting he and his client met with the Building Inspector and identified other structures that needed to be added to their lot coverage relief request. Because of an asphalt paving area and a gravel area with some stepping stone, they realized that they had a 1.5% increase of lot coverage over the allowed 20% for which they were requesting additional relief. Mr. Treuhold said that the Board would need an updated survey showing what the 1.5% overage consisted of. Mr. Hyde used a survey to show the Board an asphalt area and the gravel area where they were adding stepping stones. He also presented a photo of the area for the Board to review. Mr. Hyde also said that the survey showed two arbors on the property, but one of them had actually been removed. Mr. Treuhold said that their original setback request to square off the porch was minimal, but because the Board had not received a formal survey showing all other structures on the property and their locations, with lot coverage percentages, it made it difficult for them to make a proper ruling. Mr. Hyde asked if perhaps the Board could rule on the front yard relief request and then he would talk to the client in reference to 1.5% lot coverage issue, and perhaps handle things so that they would not have to come back for a variance. Mr. Treuhold asked for a motion to approve the original variance request and deny the second request without prejudice.

DECISION: MR. AMES MADE A MOTION TO APPROVE THE ORIGINAL FRONT YARD VARIANCE REQUEST TO 53.5 FEET IN ORDER TO PERMIT PROPOSED RECONSTRUCTION AND ALTERATION OF EXISTING FRONT PORCH, AND TO DENY THE LOT COVERAGE VARIANCE REQUEST WITHOUT PREJUDICE. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

9) Next was the application of **Sheila Phillips** for minimum and total side yard variances in order to permit proposed deck enclosure and steps as shown on survey (including setbacks to 2.6

feet from westerly line for deck enclosure and 2.4 feet from westerly line for steps). Premises are known as **58 Montauk Highway. SCTM#902-9-2-2**

Sheila Phillips was present for her application discussion. She told the Board that she wanted to enclosed the porch in her back yard. She explained to the Board that she had added some footage to the deck in 2003, but had not obtained a building permit before doing so. The Board said that because the application itself was too vague and incomplete, perhaps Mrs. Phillips could meet with and get help from the Building Inspector so she would know exactly what needs to be included in her application. The Board also explained that they needed plans showing what is presently on the property and what is proposed construction. Mr. Treuhold asked for a motion to adjourn the Phillips application.

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

10) Next was the application of **Christopher and Michelle Ewan** from determination of Building Inspector dated January 9, 2019. Applicants seek a determination that the proposed reconstruction of the existing house is permitted under section 80-10B(1)(j) of the Coastal Erosion Hazard Area Code. Premises are known as **88 Dune Road. SCTM #902-13-1-19**

Attorney **Kittric Motz** was present to represent the applicant. **Christopher Ewan** and his architect **Sal Iannone** were also present for the discussion. Mrs. Motz explained that they were at the meeting for an appeal of the denial of a building permit in reference to their construction project located south of the Coastal Erosion Hazard Line. She explained that the Ewans had purchased the property in order to have a beach cottage and an application was submitted by the architect for a building permit. Upon examination, the house was found to have certain issues which led to a stop work order and further questions about the structural integrity of the property. At that point, the Ewans obtained an engineer's report showing that the property was structurally sound. Mrs. Motz explained that it would not be the scope of work that determines whether one would be entitled to a permit under these circumstances, but it would be the dollar amount, or 50% of the replacement cost. Using the figure of \$300/SF., the replacement cost for the Ewan's house would be just under \$1,000,000.00. Mrs. Motz said 50% of the replacement cost would be about \$481,500.00. The Ewans obtained a construction cost bid of approximately \$393,000.00, which was below the 50% threshold, and felt the work could be accomplished for the bid amount. Therefore, they felt it was a mistake to deny their building permit, and wanted the Board to reverse the determination. The Board felt that the Ewans were effectively building a new house, south of the CEHA, and had concerns about the cost numbers that were presented and whether they could build a house for the total they presented. The Board questioned the price of the installation of a new septic system which was not included in their total. They were concerned that perhaps the Building Inspector did not have the full cost of what the Ewans were trying to accomplish. The Board did not feel, based on the materials that had been submitted, that they had been provided with the complete cost to rebuild the house, and could not therefore

make a ruling to overturn the determination. Mr. Ewan asked the Board what other information they needed. Mr. Treuholt explained that there is a great possibility that they will have to replace the septic system, and that is a cost that is not included in their total. Also, there is the possibility that during construction they may decide to put on a new roof, another cost that is not included in their totals. The Building Inspector asked that before the next meeting the Ewans submit a survey showing what is left on the property at this time, of the original structure. The Board asked, that since they were doing construction, why didn't the Ewans move the house back from the dunes and then build a whole new, larger house without any variances? Mr. Ewans said he did not want a new, larger house. He specifically wanted a beach cottage. Mrs. Motz asked for an adjournment in order to assemble more information. Mr. Treuholt asked for a motion to adjourn the Ewan application.

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

The meeting was adjourned.

Respectfully submitted by:



File date: 3/15/19