

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
SATURDAY, MARCH 30, 2019  
3:00 P.M.**

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

**Absent:** T. David Mullen, and Alexander Ames

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the **February 23, 2019** meeting. (There was one *correction* on the **Davenport** decision which involved changing the date of the revised survey *from 2/08/18 to 2/08/19*).

**MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 23, 2019 MEETING, AS CORRECTED. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) Mr. Treuhold explained that they would skip the Zoning Board meeting for the month of April since there were no new matters before the Board and the Board would not be available. The next meeting will be held on **May 11, 2019** at **3:00 P.M.**

3) Next was the application of **Robert Strecker** for a setback variance to 22.7 feet from northwesterly line in order to permit fireplace. Premises are known as **63 Box Tree Road. SCTM# 902-2-1-56.2**

**Mr. Strecker** was present for the discussion. He explained that he built a new house with an outdoor fireplace, and that through the artistic work of the masons, it ended up being 2.5 feet too close to the northwesterly property line. The Board wanted to know if Mr. Strecker had spoken to the neighbor that would be most effected by the variance request. Mr. Strecker said there were old cottages on the other side of the property line but he did not know if they were rented out in the winter or not. Mr. Treuhold explained that the Board did not like to grant variances for what appeared to be a builder's error, but in light of the location of the requested variance, and the fact that it did not appear to affect any neighbors, the Board was prepared to grant the requested variance.

**DECISION: MR. RYAN MADE A MOTION TO GRANT THE STRECKER VARIANCE REQUEST. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) Next was the holdover application of **Sheila Phillips** for a minimum and total side yard variance 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).

**Sheila Phillips** was present for the discussion, along with **Mr. Bookamer**, her son-in-law. Mr. Treuhold said that the Board wanted to make sure they understood what was actually being requested. They were not sure that the new survey showed accurately what she was planning to do with the deck enclosure. It did not show the new steps on the plan, and the Board was not sure if the enclosed deck was six inches or a foot in from the edge of the house. The Board felt that she needed to get the surveyor to make sure that what was actually drawn on the survey accurately reflected what they were actually planning to build, and that it also reflected the actual setbacks for their proposed work. The Board said that it appeared she would no longer need the 'A' version of her application because she would no longer need a variance to the east side since it would not be 24.4 feet but would instead be 25.4 feet. The Board was happy that the survey showed the relocation of the shed to a conforming location. The survey would require one last revision to show what Mrs. Phillips was planning to build based on the plans she submitted. The Board wanted the survey to show exactly what Mrs. Phillips was proposing to build; the proposed screened porch with the setbacks from each side, and the rear steps with their setbacks. Mr. Treuhold asked for a motion to adjourn the application to the next meeting to receive an accurate, updated survey.

**DECISION: MR. RYAN MADE A MOTION TO ADJOURN THE PHILLIPS APPLICATION TO THE NEXT MEETING TO RECEIVE AN ACCURATE, UPDATED SURVEY. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) Next was the holdover application of **Christopher and Michelle Ewan** for appeal from determination of the Building Inspector dated January 9, 2019. Applicant seeks 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.

Attorney **Kittric Motz** was present along with the owner, **Christopher Ewan**, his architect, **Sal Iannone**, and their builder, **Rich Hook**. Mr. Treuhold started by explaining that the Board had not really had a chance to review the last-minute submission by Ms. Motz. He wanted them to be aware that in order for the Board to review any submissions they need to be submitted and received substantially more than 20 hours before the meeting. Ms. Motz explained that she had submitted updated plans, as well as the builder's full work proposal for their project. She felt that the only thing that might be missing from the builder's numbers was the cost of the building permit, which was \$3,134.00. She wanted it noted that it was really the cost of the work that was pertinent, not the amount of work to be done. She explained that the health department would not be requiring them to install a new sanitary system or a low nitrogen system. Their pilings



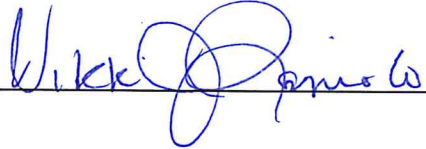
have not been cut off or altered as had been originally thought, and are the original pilings. Mr. Hook had checked the roof and it was determined that, with the exception of a small patch that would be repaired, it was fully functional and would not have to be replaced. Mrs. Motz submitted photos showing the interior of the house prior to her client's purchase, showing that the house was indeed livable at that time. She explained that what her client was planning was a simple home, that would not be lifted or moved. They have new north and south walls, while the east and west walls were still the same. One by one, she explained all her photos to the Board. Mr. Hook explained that when they opened the floor on the first floor, they found that it was substandard and dangerous. The floor was resting on locust posts that were resting in the sand. Mr. Ewan said they knew ahead of time that they were purchasing an old house. They wanted a beach cottage and knew that there was a limit on what they could do but felt confident that they could work within the Village Code limits and still get what they wanted. They met with the Building Inspector to learn what they could and could not do. They had not felt that the 50% replacement cost rule was going to be problematic. They had not expected that the bottom floor was in need of being replaced and that the sidewalls did not meet the floor. Mr. Hook explained that when he started his work, he was under the impression that it was a dollar amount that he was dealing with. So, although he found that the floor was very bad, he felt that in a 3,200 SF. house that it would not be that big of an expense to do things right for a project like theirs. Mr. Hook said he spoke to the building inspector and while issuing of permits was back logged, he was given permission to start demolition, with the understanding that the permit would soon follow.

Ms. Motz explained that they had been under the impression that the siding would not have to be included in the 50% replacement cost number. But they had included it in their totals now. She explained that as the Board reviews their proposal, and reviews the individual proposal from each vendor, they will see that they have included every plumbing fixture, toilet, electrical fixture, high hats etc. The owners realize that they may have to make tradeoffs in order to stay within the limits. Mrs. Motz made reference to notes from the Building Inspector, and handed a copy to the Board for their review. The notes referenced photos and explained what work had been done. Mrs. Motz said that at this point they felt sure that there would be no other surprises, interior or exterior, to be found. They felt sure that although their construction would be closely monitored, they would still be able to complete their work within the prescribed budget. Mr. Treuhold explained that the Board was still uncomfortable with their ability to meet that budget. The Board trusted the Village Building Inspector's numbers and felt that if the Ewan's construction cost numbers were applied to a spread sheet, the Ewan's numbers would not work. The Board also felt very strongly that it still appeared to them that more than 50% of the house was left to be reconstructed. Mr. Ewan felt that maybe the Board misunderstood and thought that he and his family intended to build an upscale house like many of those found on Dune Road. He explained that that was definitely not their desire, as they wanted a very simple, basic house. He said, as an example, their proposed house would only have eight doors in it, at a cost of \$150/door. He understood that they would be responsible to show the Building Inspector everything on which they were spending money and while they were absolutely okay with that, they still felt that they would not go over the prescribed budget. Mrs. Motz explained that she felt it was unfair for the Board to ask her clients to spec out a new house as an academic exercise

for their proposed project because, she reiterated, that it was not the volume of work that mattered, but was instead the dollar amount when figuring the 50% rule, and they still proposed that they would be under the 50% reconstruction dollar amount based on the Village code of \$300/SF. The Board said that they would consider Mrs. Motz's recently submitted packet of information within the next few weeks to be ready before the next meeting. Mr. Treuhold asked for a motion to adjourn the Ewan application.

**DECISION: MR. MOTT MADE A MOTION TO ADJOURN THE EWAN APPLICATION TO THE NEXT MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**The meeting was adjourned.**

Respectfully submitted by:  File date: 4-30-19