

VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, JUNE 08, 2019
11:00 P.M.

Present: Chairman Robert Treuhold, Alexander Ames, Brendan Ryan, Pamela Chepiga, and Village Attorney Richard DePetris

Absent: Charles Mott, Bruce Peiffer

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the **May 11, 2019** meeting.

MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 11, 2019 MEETING. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold mentioned again that the Board was pleased to welcome **Pamela Chepiga** as a new alternate member of the Quogue Village Zoning Board of Appeals. He also confirmed that the next meeting would be held on **Saturday, July 13, 2019** at **3:00 PM**.

3) First on the agenda was the holdover application of **Gregory Hoogkamp** of **65 Dune Road**. **Craig Carbone** was present to represent the applicant. He asked the Board if they had reviewed the revised survey with height data that he had submitted as per their request. Mr. Treuhold said that since they now had everything on the survey that they needed; they were now ready to grant his application.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE HOOGKAMP APPLICATION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the holdover application of **Glenn and Holly Albert** of **15 Woodland Way**. Attorney **Kittric Motz** was present for the applicants. Previous to the meeting, Ms. Motz had submitted a revised survey and proposal for a ten-foot variance. The Board asked if the owners to the north had been notified of the variance request. Ms. Motz said it was her understanding that they did know about her client's variance request. Mr. Treuhold explained that this was the kind of variance that the Board did not like to approve, but since her client did not create the nonconformity, and had exhibited a willingness to compromise and remove some of the patio,

the Board was prepared to grant the request. Mr. Treuhold asked for a motion to approve the Alpert application.

DECISION: MR. AMES MADE A MOTION TO APPROVE THE ALPERT'S REVISED REQUESTED SETBACK AS SHOWN ON A REVISED SURVEY DATED 5/23/19. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) Next was the holdover application of **SL2 Holdings LLC at 39A Foster Road**. Attorney **Gair Betts** was present along with the property owners, **Mr. and Mrs. Lee**. Mr. Betts explained that the reason why the house was a rental was because the Lees purchased the property as a 1031 Exchange, which mandated that the house be rented for two years to get the benefits. Mr. Betts said that after the two years were over, the Lees intended to move into their property. His clients had also included a correspondence to the Board indicating that they were willing to put covenants in place saying that the renters could not use the pool after eight or nine o'clock at night. They were also intending to add more trees as screening and noise buffers. Mr. Betts wanted it noted that the neighbor, Joseph DiCarlo, has a nonconforming garage that is 1.5 feet from the record line on the westerly side of his property, as well as some other issues. He also wanted to see the letter that Mr. DiCarlo had submitted to the Board, as he had not yet been in receipt of the letter. Mr. Treuhold said that the letter was only submitted on June 6, 2019, and Mr. DiCarlo would probably be reading the letter into the record. Mr. Lee came forward to explain that he and his wife had been open and honest and were hopeful that they would still be able to arrive at a mutual agreement with their neighbors the DiCarlos. He said that they had reached out to the DiCarlos but had not yet received any correspondence in writing or email indicating what their position was and what their specific concerns were so they could address them. He said that he and his family live in the city and enjoy Quogue in the summer months, which is why they have rented their property after the summer season is over. Mr. Lee said that they purchased the property in June of 2018 and asked that the Board consider their pool variance request.

Doug Nappi, the landscape architect, came forward to explain their changes. He said they had originally proposed a pool compliant, four-foot high fence with a four to five-foot high privet hedge along the west property line. They had now revised their landscaping plan to include a row of six to seven-foot high Leland Cypress, which is a fast-growing Evergreen tree that they felt would be excellent for noise abatement.

The neighbor, **Joe DiCarlo Sr.**, came forward to respond to a letter his son, **Joe DiCarlo Jr.** had received in the mail on May 30, 2019, from the Lees. Mr. DiCarlo Sr. said he never met Mr. and Mrs. Lee before the ZBA meeting of May 11, 2019. He said they never contacted him to discuss design changes nor did they submit an address or telephone numbers for him to contact them. He felt that if they were sincere, they would have submitted a completed pool plan, with dimensions and a survey to him for review. He said they placed a pool request letter for him to sign, in a shrub, on the side of his house. It was his belief that the owner's intention was to rent the house and that it was not for owners use. Therefore, he felt that the noise level would be

unacceptable if a pool or pergola were to be allowed. He did not feel confident that an ordinance would be enforced. He felt there was not enough property for a pool, pergola, and patio. He said his family moved to Quogue many years ago because of how peaceful and quiet it was. He felt that the Lee's previous rental had caused his family much trouble and distress. **Joe DiCarlo Jr.** spoke and referred to a letter he received in May from the Lees. He said Mrs. Lee persuaded him to sign the first letter in favor of the pool. He said that he explained to Mrs. Lee that it was not up to him to give out his father's address and phone numbers. He said that when SL2 Holdings moved into the property, Mr. Lee informed him that there would never be any chaos or early and late noise on the property. Mr. DiCarlo Jr. said that a week later, renters with a barking dog, moved into the Lee's property. He said after 10 days, he went to the renters and kindly asked them if they could please keep their dog quiet. He said the renter yelled and screamed and threatened him, and then sent detectives to his father's house where he lives with his parents as their caregiver. He said they had lived in that neighborhood for 38 years and felt that they were being mocked. He felt that the Lees were not being truthful with the Zoning Board. He felt that the letter was a personal attack on his family. He said he could not support the Lee's variance request. Mr. DiCarlo Jr. said that he would have to do whatever it would take to put a stop to the variance.

Attorney Betts said that he felt his clients had done everything they could, and if the Board wanted to limit the hours of pool use, his clients would be fine with that too. Mr. Treuhold said the problem was that their property was just too narrow to support a pool, as well as being in a congested part of town, which they were aware of when they purchased the property. He explained that there was nothing in the code saying that a person or family had to have a pool when there was no space on their property for a pool. He said there was no way for the Board to offer even a minimum variance for their proposed pool when, as they stated in their application, there is no place to put a pool on the property without seeking a variance. He explained that at present, notwithstanding all the Lee's good faith efforts to mitigate sound and minimize the potential disruption to the neighbors, the Board was not prepared to grant the Lee's variance request as it stood.

DECISION: MR. RYAN MADE A MOTION TO DENY THE VARIANCE APPLICATION OF SL2 HOLDINGS LLC. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6) Mr. Treuhold explained that the **Malik Trust** application of **34 Elizabeth Lane** and the application of **Christopher and Michelle Ewan** of **88 Dune Road**, were both being adjourned to the July meeting.

The meeting was adjourned.

Respectfully submitted by:  File date: 7/10/19