

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, DECEMBER 14, 2019
3:00 P.M.**

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

1) Mr. Treuhold brought the meeting to order. He asked for a motion to approve the minutes of the **November 9, 2019** meeting.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2019 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold confirmed that the next meeting would be held on **Saturday, January 18, 2020** at **3:00 P.M.** He said that they had a tentative date for the following meeting of February 22, 2020, but it would be subject to confirmation.

3) The first item on the agenda was the supplemental application of **Christopher and Michelle Ewan** for coastal erosion area/dune setback relief and a setback variance to 20.9 feet from easterly line in order to permit proposed reconstruction with modification of swimming pool deck, for coastal erosion hazard area/dune setback relief in order to permit proposed modification of swimming pool (to install a spa and a mechanical pool cover) and proposed swimming pool fence, and for coastal erosion hazard area relief in order to permit a portion of proposed driveway and proposed walkway from driveway to swimming pool deck. An application has previously been submitted for front yard variances to 50 feet for proposed house and 45 feet for proposed house steps, a height variance within required front yard to 34 feet (to elevation 40) for proposed house, and a total side yard variance to 50 feet for proposed house. Premises are known as **88 Dune Road. SCTM #902-13-1-19**

Attorney **Kittric Motz** was present along with the homeowner **Christopher Ewan**. The Board asked Mr. Ewan if he was still planning on doing a spa in the swimming pool. He said yes, that Tortorella Pools had looked at the job and sent a letter describing what would be involved. He submitted the letter to the Board. They were satisfied with what was contained in the letter and

Mr. Treuhold added that the Board would approve the application but would do a written decision to make sure everything was properly included. He asked for a motion to adjourn the application for a written decision. He said the decision would formally be granted at the next meeting.

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

Attorney Motz said that they would be withdrawing the appeal of the determination of Building Inspector dated January 9, 2019.

4) Next, was the amended application of **Sandacres Associates Inc.** (Potts) for variances to allow a second story over a detached garage (such garage having a floor area of more than 1,200 square feet) with multiple rooms (including a room designated as office, a room designated as conference room and a room designated as file/copy room) on the upper level floor to be used for home office use, to allow a bathroom facility (having a toilet and sink) on such upper level floor, to allow elevated decks at the upper level as such building with exterior stairs, to allow a lower deck and a patio adjacent to such building, to allow electricity, plumbing and HVAC in such building, and to allow the building to have a height of 20.9 feet; and for variances to allow a shed having an area of 353 square feet and having a contiguous roofed area, and to allow the outdoor shower and deck connected to such shed. Premises are known as **4 Sandacres Lane. SCTM #902-7-1-4.31**

Attorney **James Hulme** was present for the applicants along with owners, **Trevor and Spencer Potts**. Mr. Hulme explained that they were talking about a preexisting garage that had been in two different locations on the property, with CO's, but that they were now looking to repurpose. He submitted aerial photographs of the property to the Board for their review. With the use of the photographs, he explained how the garage had been moved over the years and then elevated. He said that for reasons he could not understand, the final CO for the garage said it could not have any electricity or plumbing. Mr. Hulme said that since 2015 a bathroom was constructed on the second floor; the second floor was partitioned into offices, and a small shed was placed on the property next to the elevated garage. No permits had been issued for any of the changes. He explained that Section 196-13(A)(6) of the Village Code allows for a home office or a fitness facility on the second floor of an accessory building such as a garage. The Village Code does say that it is supposed to be a single room, and in their case, it is partitioned. Mr. Hulme also said that although a bathroom is permitted by the Village Code, it has to be on the first floor. The problem with the bathroom being on the first floor in their garage building is that the building is in a FEMA zone, so they would not be allowed to put a bathroom on the first floor. The Village Code allows for a 1,200 SF. accessory building and their building is 1,281 SF, so they needed a variance for the 81 square feet. In reference to the exterior stairs and the elevated patio/deck, he explained that when the building was moved and elevated to meet the FEMA requirements, the

patio became an elevated deck at the height of the second story. Their building is 20.9 feet in height, and the height limit is 20 feet, so they were also seeking a height variance. They also wanted the Board to allow their 323 SF. shed, even though the Village Code limits a shed to 250 SF. Mr. Hulme wanted the Board to understand that there were no physical changes made to their building since the CO was issued except the interior partitioning and the bathroom.

Mr. Treuhold explained to Mr. Hulme that the Daly's, neighbors to the Potts/Sandacres had submitted a letter of disapproval to their variances. He also explained that the Board was concerned that all the requested variances were essentially self-created. **Paul Mejean**, another neighbor, came forward to say that he, the Daley's, the Russo's, and the Siegel's can all hear the noise from Sandacres. He said the owners built a full court, double hooped basketball court which he said was in violation of the Village Code. He said they also built a volleyball court, and that there was always a lot of noise from that area which made things miserable for him and his neighbors. Mr. Hulme said that they were proposing to modify the basketball court to what would be allowed under the Village Code. He said that if you looked at the survey, you would see that the volleyball court had been eliminated. Mr. Treuhold said that their requested use of the garage had previously been debated and the lack of permission for electricity and water was to restrict the use of a garage for habitable space. He explained that while the Board did understand that it could be somewhat of a hardship to undo all the violations, they still felt that the violations were all of their own doing. He reminded them that all their issues were unfortunately done without any permits. Mr. Treuhold felt that if it had been one minor variance they were requesting, it might have been possible to consider, but that was not the case. Mr. Hulme wanted to know if he could adjourn their application to have time to go over things with his client and see if they could readjust some of their variance requests. The Village Attorney said they could file a new application if they thought they could always come up with something that would be substantially different. Mr. DePetrus reminded Mr. Hulme that the situation had been ongoing for a few years now. Mr. Treuhold said that there were so many things they were requesting that the Board was inclined to adjourn the application to a written decision denying the entire application. Mr. Hulme said he understood what the Board was saying, but just wanted one more opportunity to see what he and his clients could come up with before getting a denial. The Board felt that at this point there was too much going on to be fixed upon one adjournment. Mr. Treuhold then asked for a motion to adjourn for a written denial decision.

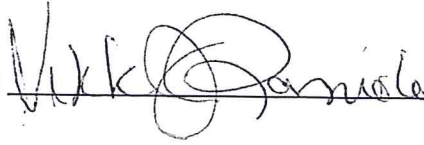
DECISION: MR. PEIFFER MADE A MOTION TO ADJOURN THE SANDACRES APPLICATION FOR A WRITTEN DENIAL DECISION. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

Spencer Potts said that he and his brother wanted the Board to know that as very long time residents and contributors to the Village of Quogue, that although they had good intentions, they felt very sad that they could not move forward with their plans and would have to take responsibility for the issues, but felt they were confused as to what they could or could not do. Mr. Treuhold said Mr. Potts could speak to his counsel and the Village Building Inspector for direction. **Trevor Potts** explained that the garage building in questions used to be their grandfather's work space and since they could not change the structure in size, they just moved it

to another location. The interior walls were still where the walls had always been, the height is what it was years ago, and the square footage is the same as it always was. They just moved the building to another location in an effort to preserve their grandfather's work space. Mr. DePetrìs explained that they had more than enough land area to do a further subdivision and they might want to go back and reconsider what kind of subdivision proposal they could do that would give them the ability have all the things that would be permitted on a separate lot.

The meeting was adjourned.

Respectfully submitted by:



File date: 1/15/2020