

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
SATURDAY, APRIL 18, 2020
3:00 P.M.**

Present: Chairman Robert Treuhold, Charles Mott, Brendan Ryan, Bruce Peiffer, Pamela Chepiga, alternate Geoff Judge and Village Attorney Richard DePetris (all by telephone)

1) Mr. Treuhold brought the meeting to order and noted that this meeting was being held by teleconference due to the COVID 19 Governor's Orders. He asked for a motion to approve the minutes of the **January 18, 2020** meeting.

MR. MOTT MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 18, 2020 MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Mr. Treuhold confirmed that the next meeting would be held on **Saturday, May 16, 2020 at 3:00 P.M.** This meeting will also be held by teleconference as New York State has mandated against live meetings for at least another month.

3) The first item on the agenda is the application of **Charles Mobus Jr. & Mary Lou Malanoski** for street setback variances from Montauk Highway to 28.5 feet for masonry pad, to 32.7 feet for hot tub and to 40.1 feet for proposed pergola, and for fence height/visibility variances for 6 foot high stockade fence along Montauk Highway. Premises known as **2 Quogue Street SCTM# 902-7-2-1.1.**

Attorney Robert Connelly and applicant Mrs. Malanoski were present on the teleconference call. Mr. Connelly reviewed the application. When applicants purchased the property in 1988, the six foot stockade fence existed in its current location, and the applicants would prefer that the fence remain as it is because it is a buffer from Montauk Highway. Mr. Connelly noted that as presented on the survey the fence encroaches on the right of way in a few places, and those sections would be moved onto the property. The hot tub was issued a Certificate of Occupancy in 2010, but it was in a different location. The hot tub was originally located on the southern side of the pool, but the neighbor complained about the noise being produced. The hot tub was then moved to the current location. The owners thought the hot tub was being moved to a conforming location, as they did not realize that this property had two front yards. When a

building permit was submitted to the Building Department for the proposed Pergola and Deck, it was discovered that the hot tub does not meet setback requirements. The granting of the variances would not change the character of the neighborhood, Mr. Connelly explained. All of the improvements would be on the Northern side of the property, away from any improved properties. The fence has existed in place since at least 1988, and the hot tub has been in the current location since 2011/2012. The fence and hot tub in the current location have not been subject to any complaints, and aside from the fence, nothing will be visible from the street or neighboring properties. Mr. Connelly noted that the neighbor at 2 Acorn Path has a tennis court in the required front yard. Mr. Treuhold said that the Board would not have a problem granting the fence variance if the portions were moved from the right of way, onto the property. Mr. Treuhold and Mr. Mott asked about a shed that was on the property, possibly an equipment shed that does not show up on the survey. Mrs. Malanoski explained that the structure is pool equipment and air conditioner with a sail like covering to keep the leaves out. It was determined to be in a conforming location. Mrs. Malanoski described the Pergola as an open structure nine feet tall frame with wood slats on top for plants to grown on to provide shade. Not a solid roof structure. Mr. Treuhold asked the Board if anyone had any further questions. Mr. Treuhold noted that the Board does not like granting relief for items built or moved without a permit, but given the reasons provided they would be inclined to grant the variances. He asked for a motion to approve from the Board.

DECISION: MR. MOTT MADE A MOTION TO APPROVE THE REQUESTED VARIANCES, MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next item on the agenda is an application from Carbone Rental Management for a setback variance to 19.1 feet from the easterly line for a patio. Premises are known as 54 Old Meetinghouse Road SCTM# 902-3-4-67.1.

Sandy Carbone was on the teleconference call. The property was purchased with the patio in the current location. He explained that the previous owner built the patio after the Certificate of Occupancy has been issued. Mr. Carbone has spoken with the neighbor Beth Kandel, and she has no objection to this application. Mr. Treuhold asked if the Board had any questions for the applicant, and they did not. Mr. Treuhold asked for a motion to approve.

DECISION: MR PEIFFER MADE A MOTION TO APPROVE THE REQUESTED VARIANCE, MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The next item on the agenda is an application from **Christopher and Michelle Ewan** for a front yard variance to 45 feet and a height variance within required yard to elevation 29.4 for proposed cantilevered flat roof over front door landing. Premises are known as **88 Dune Road SCTM # 902-13-3-19**.

Attorney Kittric Motz and Christopher Ewan were present on the teleconference call. Mrs. Motz explained that this variance matter had been inadvertently omitted from the last application. Mr. Treuhold asked the Board if anyone had any questions on this application. They did not, and Mr. Treuhold asked for a motion to approve.

DECISION: MR. RYAN MADE A MOTION TO APPROVE THE REQUESTED VARIANCES, MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

6) The next item on the agenda is the application from **Roger & Virginia Rosenblatt** for permission to maintain a children's play space in an accessory building located in a nonconforming location. Premises are known as **2 Post Lane SCTM # 902-10-2-47**.

Attorney Kittric Motz and both Virginia & Roger Rosenblatt were present on the teleconference call. Mrs. Motz explained that the detached garage was converted in 2008. The Rosenblatts didn't realize at that time that they needed permission for this. In 2009 a violation was issued regarding a shed on the property, but nothing was said about the play space. The shed was removed at that time. When an application for an updated C of O was filed, this matter was brought to light by Mr. Nowak. This structure does not have heat, plumbing or insulation or kitchen. The Rosenblatts would like to maintain the structure in its current condition. The neighbor closest to the garage, Mrs. Callahan has sent an email to the Village stating that she has no issue with this application. In the years that this play area has been there, there have never been any complaints or concerns from the neighbors. Mrs. Motz noted that the Village has changed some of the rules regarding the use of detached garages in 2017. Mr. Treuhold explained that the Board has concerns about the use of the property with future owners. They could turn the structure into a living area. The Board would like it clearly noted that the conditions of granting this variance would be that no insulation, plumbing, HVAC, cooking or sleeping areas be added. Mr. Treuhold asked if they agree to these conditions, Mr. & Mrs. Rosenblatt both agreed. Mr. Treuhold asked for a motion to approve.

DECISION: MR. PEIFFER MADE A MOTION TO APPROVE A VARIANCE TO CONVERT THE DETACHED GARAGE TO A DETACHED SUMMER PLAYROOM, ON THE CONDITION THAT THERE WILL BE NO INSULATION, PLUMBING, HVAC, COOKING OR SLEEPING FACILITIES IN THIS STRUCTURE. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

7) The next item on the agenda is a holdover application from **Christopher Amato** for a fence/height visibility variance in order to permit a solid fence having a height of 8 feet along the northerly line beginning at a point 40 feet west of Old Depot Road. The premise is known as **2 Woodedge Trail SCTM # 902-3-6-23**.

Christopher Amato was present on the teleconference call. Mr. Amato explained that he is asking for permission for this fence due to the proximity of the property to the railroad tracks and the industrial area. Mr. Treuhold asked Mr. Amato if there was any reason why a 6 foot fence would not be appropriate. Mr. Amato said a six foot fence would be fine. Mr. Treuhold asked for a motion to approve.

DECISION: MR. PEIFFER MADE A MOTION TO APPROVE A VARIANCE FOR A SOLID 6 FOOT FENCE ALONG THE NORTHERLY LINE BEGINNING AT A POINT 40 FEET WEST OF OLD DEPOT ROAD. MR. MOTT SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY APPROVED.

8) The last item on the agenda is an application from **Lisa and Gary Klemons** for setback variances from the northerly line for existing patio (north of the swimming pool), outdoor shower and pool equipment (north of garage), for relief to permit existing pergola and patio (adjacent to the garage), and for relief to permit proposed 110 square foot home office on the second floor of detached garage building with storage for such home office on first floor and to permit toilet, sink and washer/dryer on the first floor. Premises are known as **56 Old Main Road SCTM # 902-3-2-22.1**.

Architect Heather Faulding and Landscape Architect Susan Wilcenski were present on the conference call for the applicants. Mrs. Faulding explained that she was hired by Mr. & Mrs. Klemons to do an addition to their house. Mr. and Mrs. Klemons are local to Quogue year long. The property is a pre-existing non-conforming lot, with 125 foot wood, the back is 89 feet, 90 feet in the front, a long narrow lot. They wanted to keep the existing footprint and add an extension in the front. They submitted the drawings last year and Mr. Nowak did not want to review as there were so many non-conformities. Mrs. Faulding acknowledges all of the items were done without a building permit, and are now looking to legalize everything on the property. Mrs. Faulding asked if the two submissions were received. Mr. Treuhold said they did, but everyone might not have had a chance to review, as they were just sent. Mrs. Faulding reviewed the surrounding properties, and show the dense vegetation that surrounds the property. She said the major issues are: the patio in the back which is used for lawn chairs and umbrella, the garage with the bathroom, laundry and car lift used for working on antique cars, the second floor of the garage, patio #3 for the cottage and patio #4. Mr. Treuhold asked about the pool equipment and the outdoor shower. Mrs. Faulding said they have gone to the Health Department and they have approved a septic for that. This has not been submitted yet to the Building Department. Mr. Treuhold asked about the shed in the back of the property. Susan Wilcenski said that the shed is within the setbacks and is a garden shed. Mr. DePetris determined that the shed does not need a variance. It is 31 feet from the property line where 25 feet is required. Mr. Treuhold explained

that there are too many non-conformities on this property and the Board is troubled by the amount of relief being asked for. The applicants are seeking relief after the fact for all of the nonconformities built without a permit just because another building permit was denied. The hardships are all self-created. Mr. Treuhold explained that there are conforming areas on the property that some of the structures could be moved to and if the applicants had gotten permits they would have known what they were allowed to do. Mrs. Wilcenski noted that the property is 90 feet, and if all setbacks were met, they would only have 40 feet to work with. When the patios were constructed, they used pervious materials thinking it was allowed. She also explained that there is a very mature evergreen border shielding from other properties. Mrs. Faulding noted that the patios are stone on gravel. She said they now understand what they did was not allowed and they want to come up with a solution. She asked if they could pick away at the items as it would be a hardship to move some of the items. Mr. Treuhold said the Board would consider granting a lesser request, but the application as is would be asking for too much. Mrs. Wilcenski asked about keeping the main patio if they removed the other patios. Mr. Treuhold suggested they meet with the applicants and come up with a lesser request. Mrs. Faulding said they would adjourn and come back next month. Mr. DePetris questioned the home office area labeled "meeting space". He explained that the provision of the Village Code that allows a home office does not allow patients or clients coming to the office. Mrs. Faulding said this is not intended as meeting space and they will not meet with anyone at the office. She said this space is used for laundry. Mr. DePetris would like this clarified in writing, and the drawings also need to be changed to reflect what the space is going to be used for. Mrs. Faulding agreed. Mr. Peiffer asked when they received Board of Health approval. Mrs. Faulding said around two or three months ago. Mr. Peiffer said the letter written by the Building Inspector on March 18 requested SCDH approval for the septic system. Mrs. Faulding said she has it but it has not been submitted yet to the Building Department.

Mr. Treuhold asked for a motion to adjourn the meeting. Mr. Mott made a motion to adjourn the meeting. Mr. Ryan seconded the motion. The meeting was adjourned.