

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
SATURDAY, SEPTEMBER 26, 2020  
3:00 P.M.**

**Present:** Chairperson Pamela Chepiga, Robert Treuhold, Brendan Ryan, Bruce Peiffer, Geoff Judge, Ed Tolley and Village Attorney Wayne Bruyn (all by telephone)

1) Mr. Treuhold opened the meeting and explained that he will be stepping down from the ZBA as he has been elected Village Trustee. Ms. Chepiga will now become Chairperson, and Mr. Tolley has stepped up to become a full member. Ms. Chepiga thanked Mr. Treuhold for all he has done over the years for the Zoning Board. She then asked for a motion to approve the minutes of the August 22, 2020 meeting.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 22, 2020 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) Ms. Chepiga set the date of the next meeting to **October 17, 2020 at 3pm.**, the format of how the meeting will be held is to be determined.

3) The first matter on the agenda is the application of **David & Mary Lohuis** for a front yard setback variance to enable the construction of a two-car detached garage with a setback of 30.9 feet from Post Lane where 60 feet is required on premise located in the A-3 Residence known as **22 Post Lane [SCTM# 902-14-1-47]**. Attorney John Bennett, Architect Bill Heine and Michael Schiano of Inter Science were all present on the phone for the applicant. Mr. Bennett reviewed the application and explained that the hardship on this property is the wetland setbacks. Ms. Chepiga asked if the house that was being built was in accordance with the variances granted in 2008 & 2009, and if there had been any communication with the Village or the ZBA to see if the variances were still in effect. Village Attorney Wayne Bruyn explained that the Village Code provides that if the variance granted has not been acted upon or completed within two years, an extension must be applied for. Michael Schiano said that an extension has not yet been requested. Mr. Bennett asked if they could amend the variance request to include this request for extension. William Heine explained that a building permit was granted in 2012, has been renewed, but is currently expired. Ms. Chepiga asked about the 20 ft garage height and questioned if this would also need relief. Mr. Nowak confirmed that the garage would need a 4 ft height variance.

Mr. Bennett further reviewed the application. He explained that they are not requesting any plumbing to be installed in the garage and that it will not be used as a guest house. Ms. Chepiga asked about the yellow lines on the proposed site plan and asked if the location of the buffer zone indicated by the yellow lines had been mandated by the DEC. Michael Schiano confirmed that the buffer is part of the conditions to the DEC approval. Ms. Chepiga asked if the garage could be moved back to minimize the variance request, and Mr. Schiano explained that it could not be moved any closer to the wetlands per the DEC. Ms. Chepiga also asked if the garage could be made compliant in regard to height, Mr. Bennett said he would consult with the client. Ms. Chepiga asked if any other Board members had any questions. Mr. Tolley asked to confirm that the DEC set the location of the yellow lines on the drawings. Mr. Schiano confirmed this and said they will clarify the notations on the drawings to reflect this. Mr. Peiffer inquired about the ceiling height of the garage. Mr. Heine replied that the framing is 9 ft and the dormers have an 8 ft height. Ms. Chepiga asked if any discussions have been had with the neighbors. Mr. Bennett replied that they had not, but did not feel it would be an issue. Ms. Chepiga asked for a motion for a resolution to adjourn this application to the next meeting to allow for this application to be re-noticed.

**MR. RYAN MADE A MOTION TO ADJOURN THE APPLICATION TO THE NEXT MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) The second matter on the agenda is the application of **William Cataldo & Nancy Cohen** for: (1) a lot coverage variance to 21.13% in order to permit existing improvements; (2) side and rear yard accessory setback variances in order to permit existing swimming pool equipment with a northerly side yard setback of 16.9 feet and an easterly rear yard setback of 10.9 feet where 25 feet is required on premises located in the A-3 Residence District and is known as **4 Post Lane [SCTM# 902-10-2-42]**. Ms. Chepiga explained that she will be recusing herself from this matter as one the letters of opposition has come from Mrs. Laserson, and Ms. Chepiga's son is married to Mrs. Laserson's daughter. Mr. Judge will be Chairing the discussion on this matter. Architect Nicholas Vero was present on the phone for the applicant, and reviewed the application and prior variances. He explained that the property is over in lot coverage due to the deck being built, and also the pool equipment was not located in a conforming location. They have made some changes to reduce the lot coverage but are still over by 1.13%. Mr. Vero said that the pool has been constructed according to the original plans and he disagreed with Mrs. Laserson's letter. Mr. Tolley asked if a copy of the original survey, and any revised surveys could be submitted along with the building permit. Mr. Vero said he would submit this information. Mr. Tolley also asked for clarification regarding the letters back and forth with the building inspector. He also asked for more explanation on the lot coverage calculations, to be sure everything has been included, and what could be done to get the property into compliance. Mr. Nowak asked if the difference between any of the surveys could be explained. Mr. Tolley questioned why more couldn't be removed on the property to reduce lot coverage. Mr. Vero said they will come back to the Board with the requested information. Jeannie Robinson of 3 Post Lane asked to be heard. She said that the driveway was not located where it was supposed to be constructed, and she has some concerns about this. She said she will write a letter and submit her concerns to the Board regarding this.



Mr. Bruyn wanted to note for the record that letters from two neighbors (Mr. & Mrs. Callahan and Mrs. Laserson) have been received. Mr. Judge asked for a motion for a resolution to adjourn this application until the next meeting.

**MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION TO THE NEXT MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

5) The next matter on the agenda is the application from **Angry Chicken Holding LLC** for an interpretation as to the designation of the front lot line on a waterfront lot with access over a 20-foot private right-of-way known as Fair Oaks Lane, or in the alternative (1) front yard setback variance to 59.1 feet from the westerly property line and 20-foot private right-of-way; (2) a rear yard setback variance to 56 feet from the easterly property line; and (3) height variance to 32 feet for portion of the dwelling in the required front and rear yards where 16 feet is required, in order to permit the construction of a new two-story dwelling on the premise located in the A-8 Residence District known as **5 Fair Oaks Lane [SCTM# 902-6-1-13]**. Attorney Robert Kelly was present on the phone for the applicants. Mr. Kelly reviewed the application and explained that a previous application had been granted in 1979 for setback relief from the private road to 59 ft. Mr. Kelly said that it was not noted in the minutes, but he felt that a variance must have been granted for the 56 ft rear yard variance as the house was built and stands today. Mr. Kelly is seeking permission for this property to be treated as a flagpole lot, and they can choose the front yard, and they would choose the end closest to Bay Rd. Mr. Kelly cited 8 Bayview as an example of when this had been granted by the ZBA in 2011. Mr. Kelly also explained that 7 Ocean Ave and 5A Ocean Ave were also exceptions. Mr. Kelly explained that if this property could be treated as a flagpole lot, none of the requested variances would not be necessary. Ms. Chepiga said that an email had been received from a neighbor Mrs. Lilley. Mr. Kelly said that he has spoken with Mrs. Lilley and reviewed the application with her. Mrs. Lilley was not on the call today. Mr. Kelly said he has sent an email with a picture showing how this application will not affect the view from her property. Ms. Chepiga asked if anyone on the phone had any questions. No one had. Ms. Chepiga asked for a motion for a resolution to decline the requested designation of the front lot line, and to grant the alternative requested variances.

**MR. TOLLEY MADE THE REQUESTED MOTION. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

6) The next matter on the agenda is a request from holdover matter **160 DQ LLC at 160 Dune Road** to withdraw the application without prejudice. Ms. Chepiga asked for a motion for a resolution to accept this request.

**MR. RYAN MADE A MOTION TO ACCEPT THE REQUEST OF 160 DQ LLC TO WITHDRAW THE APPLICATION WITHOUT PREJUDICE. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

7) The next holdover matter was the application of David Marr at 61 Dune Rd. Attorney Kittric Motz was present on the phone for the applicant. Ms. Motz explained that a request has been submitted to adjourn this matter until the November meeting. Ms. Chepiga asked for a motion for a resolution to accept this request.

**MR. PEIFFER MADE A MOTION TO ACCEPT THE REQUEST TO ADJOURN THE MATTER UNTIL THE NOVEMBER MEETING. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

8) The last matter on the agenda was the holdover application from **Mr. & Mrs. Figuerio at 26 Quaquanantuck Lane**. Attorney Kittric Motz and Architect Josh Rosensweig were present on the phone for the applicants. Ms. Motz explained that a revised proposal has been submitted to the Board. She reviewed the revisions to the proposal: the driveway is now a U shape off of Quaquanantuck Lane, the width of the home has been decreased, reducing the maximum request to 6.2 feet, decreasing to 1 foot at the minimum, height relief in required yard remains the same, but the area that needs relief is decreased by 50%. The landscape design has been noted on the submitted site plan to demonstrate the level of privacy. Ms. Motz also addressed the matter of drainage. Ms. Chepiga asked if anyone on the Board had any questions. Mr. Peiffer wanted to note that all the Board's concerns have been addressed and commended Ms. Motz on the job she has done with this matter. Ms. Chepiga asked if anyone on the phone would like to be heard. Mr. Ressler was on the call and asked to speak. He explained that he would not like to see any screening trees on the Halsey Lane property because they would eventually like to repave and widen Halsey Lane. Ms. Motz said she has spoken with Mr. Gallishoff and they will work out the tree line concerns. Mr. Gallishoff was also on the phone and confirmed this. Ms. Chepiga asked for a motion for a resolution to grant the amended variances as requested on the submission of September 24, 2020.

**MR. TOLLEY MADE A MOTION TO GRANT THE AMENDED VARIANCES AS REQUESTED ON THE SUBMISSION OF SEPTEMBER 24, 2020. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**MS. CHEPIGA ADJOURNED THE MEETING.**