

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY DECEMBER 15, 2021
3:00 P.M.**

This meeting was held remotely by videoconference, pursuant to Part E of Chapter 417 of the Laws of 2021 adopted by the New York State Legislature, which modified portions of the Open Meetings Law, allowing the meeting of the Board of Appeals and aforementioned public hearings to be held by teleconference or videoconference (i.e. ZOOM).

Present: Chairperson Pamela Chepiga, Brendan Ryan, Bruce Peiffer, Geoff Judge, Ed Tolley, Alternate George Sard, Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

1) Ms. Chepiga opened the meeting with a roll call, and noted that the date of the next meeting will be January 12, 2022. This meeting will also be held by videoconference. Ms. Chepiga then asked for a motion to approve the minutes of the November 10, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 10, 2021 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter to be heard was the application of **23 BAY ROAD INC. (BAY ROAD QUOGUE LLC) at 23 BAY ROAD [SCTM# 902-6-1-16.6] for:** variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit a 216 sq.ft. shed on the premises for the storage of kayaks with a 15' setback from the northerly rear lot line where 35' is required; (2) §196-12A (Table of Dimensional Regulations) to permit the shed with a 30' setback from the westerly lot line, which is a private road known as Fair Oaks Drive, where 100' is required; and all other necessary relief on premises located on the northerly side of Bay Road, easterly side of Fair Oaks Drive, approximately 1,868' easterly of Montauk Highway (SR 27) in the A-8 Residence District.

Attorney Heather Wright and Mr. Willis (principal member of Bay Road Quogue LLC) were present on the teleconference. Ms. Wright reviewed the application. She explained that this property was purchased by the applicant in August of 2021, and is in the A8 Zoning District which requires a lot area of 87,000 sq. ft., and a lot width of 200 feet. The lot is measured at 87,060 sq. ft. and has been improved with a two story single family dwelling, garage, pool, porch and a tennis court. In August, the applicant applied for a building permit for a shed to be located 30 ft. from the westerly lot line, which is a 20 foot private road known as Fair Oaks Drive, and 15 ft from the northerly line. The reason for the variance request is so that the shed can be in close proximity to the private road, so the applicant can access the path to the water. The storage shed is to be used for kayaks, life vests, and paddle boards, and this location will allow access to the gate to the path

used to access the water. The watercrafts would then be walked by foot down to the water. Ms. Wright showed a copy of the survey and photos of the property. She explained that the rear yard set back in this area is 35 ft., and the front yard setback is 100 ft., and they are requesting relief of 15 ft. from the rear yard setback and 30 ft. from the private road. Ms. Wright noted that this shed will not have any detrimental effect to the character of the neighborhood, and they have been in contact with the neighbors, who are in support of this application and have submitted letters confirming this. The shed will be built with materials similar to the current home on the property. Ms. Wright showed on the survey where the setbacks are, and that the shed cannot be built within that area because of the tennis court and a large existing tree. Ms. Wright asked if anyone had any questions. Mr. Peiffer asked what the lot coverage is without the shed. Ms. Wright said they are within the allowable lot coverage, but they do not have the exact calculation. Mr. Peiffer said the Board would need to have the survey with the lot coverage calculations. Mr. Bruyn noted that the survey shows the property as measuring 95,375 sq. ft., and Ms. Wright confirmed this. Mr. Tolley asked if the neighbors to the northerly lot line (Lot #1) were among those who wrote letters of support of the application. Ms. Wright confirmed that Mr. & Mrs. Rosenkranz of 4 Fair Oaks Drive have written a letter in support of the application. Mr. Tolley asked if the shed could be moved a bit back possibly to 20 ft. Ms. Wright said they have moved the shed as far to the south as possible because of the location of the tree. Mr. Willis spoke next. He explained that they have planted screening around the shed and that it will not be visible from the Rosenkranz house. The shed is near the driveway of 4 Fair Oaks Drive, but not near any other structure, and should not be an issue to the Rosenkranz family or any subsequent owners. Ms. Chepiga asked if anyone else had any questions. No one did. Ms. Chepiga suggested that this matter go to a vote conditioned on the submission of a survey documenting conforming lot coverage. Mr. Nowak and Mr. Bruyn agreed on the lot coverage condition. Ms. Chepiga asked for a motion to conditionally approve the application.

MR. RYAN MADE A MOTION TO GRANT THE APPLICATION SUBJECT TO DOCUMENTATION SHOWING CONFORMING LOT COVERAGE. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter on the agenda was the request from Jason & Ailsa Fox of 85 Jessup Avenue [SCTM# 902-13-1-13] for: an extension of variances granted on December 10, 2016.

Jason Fox was present on the teleconference. Mr. Bruyn asked why they have not yet started the project. Mr. Fox explained that the plans have been simplified, and that they have recently had a fourth child. In addition, they have had issues with contractors, and were not aware that the variance had expired. Mr. Bruyn asked if the project would take longer than two additional years. Mr. Fox said they were hoping to have the project completed by the summer. Ms. Chepiga asked if anyone had any further questions on this matter. As no one did, she asked for a motion to approve the extension.

MR. PEIFFER MADE A MOTION TO GRANT THE EXTENSION OF THE PREVIOUS VARIANCE. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) The next matter on the agenda is the holdover application of **37 BAY ROAD INC. (owner now Jonathan Silverstein) of 37 BAY ROAD [SCTM# 902-6-1-18.11] for:** amended application for an interpretation of the Building Inspector's determination and/or variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit an elevated catwalk/wetland access walkway extending over a portion of designated wetlands in the center of the property to access the property's frontage on Shinnecock Bay with a 45' setback from an unopened portion of a private road where 100' is required; (2) §196-13B(10) in order to permit an elevated catwalk/wetland access walkway extending over a portion of designated wetlands in the center of the property where said elevated catwalk/walkway does not directly connect to the bay; and (3) all other necessary relief on premises located on the southerly side of Bay Road, approximately 2,623' easterly of Montauk Highway (SR 27) in the A-8 Residence District.

Ms. Chepiga noted that the record had been closed on this matter at the last meeting, and that the Board has not finalized a decision on this matter. This application will be adjourned until the next meeting.

5) The next matter on the agenda was the holdover application of **NANCY OVERLANDER & CRAIG OVERLANDER of 46 SHINNECOCK ROAD [SCTM# 902-10-3-9.2] for:** variances from the provisions of §196-12A in order to legalize existing improvements and expand an existing first floor bedroom by 151 sq.ft. at the southeasterly corner of an existing dwelling, add a pergola to an existing deck and add a hot tub to an existing swimming pool which will increase the nonconforming lot coverage from 15.9% as previously granted by the Board of Appeals by decision dated December 7, 2017, to 17.9% where 15% is required; and all other necessary relief on a 87,287 sq.ft. parcel of land located on the easterly side of Shinnecock Road, approximately 585' southeasterly of Niamogue Lane in the A-8 Residence District.

Ms. Chepiga said that the applicant has requested that this matter be adjourned until the next meeting.

6) The last matter on the agenda was the holdover application of **96 DAY LILY LANE LLC of 11 BAY VIEW DRIVE [SCTM# 902-11-3-8.1] for:** variances from the provisions of (1) §196-13B(18) in order to permit the construction of a boat slip as a permitted customary accessory structure on a lot where no principal dwelling exists; (2) §196-20 in order to permit the construction of a boat slip as a permitted customary accessory structure prior to the construction of a principal dwelling; (3) §196-12 (Table of Dimensional Regulations) in order to permit the installation of a boat slip with an approximately 4' wide perimeter walkway 6' from the northerly property line where 25' is required; and all other necessary relief on a 47,505 sq.ft. parcel of land (exclusive of

underwater lands) located on the southwesterly side of Bayview Drive, northerly side of the Quogue Canal and easterly side of a Dredged Canal, in the A-3 Residence District.

Ms. Chepiga noted that a written decision has been circulated among the Board members. She asked if the Board had reviewed the decision. Everyone confirmed that they had. Ms. Chepiga asked for a motion to approve the written decision and noted that the decision would be filed the next day.

MR. PEIFFER MADE A MOTION TO APPROVE THE WRITTEN DECISION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

As there was no more business before the Board, Ms. Chepiga adjourned the meeting.