

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY JANUARY 12, 2022
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 February 23, 2022. She explained that it has not been determined if this meeting will be live or by ZOOM. Ms. Chepiga asked for a motion to approve the minutes of the December 15, 2021 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 15, 2021 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter that was addressed today was the holdover application of **37 BAY ROAD INC. (owner now Jonathan Silverstein) at 37 BAY ROAD [SCTM# 902-6-1-18.11] for:** an 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 said that a written decision on this matter had been circulated among the Board members. She asked for a motion to approve the written decision, and said the decision will be available once it is filed in the Village Office tomorrow morning.

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

3) The next matter to be heard was the holdover application of **NANCY OVERLANDER & CRAIG OVERLANDER at 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.

4) The next matter on the agenda was the application of **JEFFREY & SUSAN HALPER at 11 WOODEDGE TRAIL [SCTM# 902-3-6-29]** for: variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to construct an attached 15' by 24' garage to an existing single-family dwelling with a 15' side yard setback from the southerly lot line where 25' is required; (2) §196-12A (Table of Dimensional Regulations) for the construction of the garage with a total side yard of 41.4' where 50' is required; and (3) all other necessary relief on premises located on the westerly side of Woodedge Trail, approximately 198 feet north of Bayberry Lane in the A-9 Residence District.

Attorney Kittric Motz was present on the teleconference for the applicant, and she reviewed the application. Ms. Motz explained that her clients are seeking to build a small one car garage. She noted that even though there is no direct avenue between the house and the garage, this will be considered an attached garage, since it will be right up against the house. This was designed this way to minimize the amount of side yard relief needed. The house is currently at the 40 ft setback, so there is no room in front of the residence to put the garage. The sanitary system is also located in front of the house. There is presently no garage on the property, and they are looking to build the smallest garage space possible. They will need single side yard relief of 10 feet, and overall side yard relief. Mr. Nowak had discovered a lot coverage issue, and Ms. Motz explained that decking will be removed to meet the 20% lot coverage threshold, and no relief is being requested in regard to lot coverage. Ms. Motz asked if the Board had any questions. Mr. Peiffer asked if this property ever had a garage that was converted to living space. Ms. Motz replied that she did not believe that it ever did. She noted that the CO was issued in 1981, and the Halpers purchased the house in 1982. Mr. & Mrs. Halper were also present on the teleconference. They confirmed that there was never any garage on the property. Mr. Ryan asked if there has been any reaction from the neighbors, particularly the ones on that side of the property. Ms. Motz said that Mr. Halper has spoken with the neighbor, and he just does not want

to be able to look at the garage, but has no objection to the application. Mr. Halper confirmed this and that they would be adding additional landscaping to the area. Mr. Peiffer asked if there currently is a plan for landscaping. Mr. Halper said his wife is very adept in landscaping planning and that they will make sure the landscaping is to the neighbor's liking. Ms. Motz noted that there is currently tall vegetation in that area. Ms. Chepiga asked if anyone on the call had any further questions. Mr. Peiffer confirmed that no lot coverage relief was being granted. Ms. Chepiga asked for a motion to approve the application based on the survey showing conforming lot coverage.

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

5) The last matter on the agenda today was the application of **STEVEN & RENEE LASALA at 29 OGDEN LANE EAST [SCTM# 902-14-1-30] for:** variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to construct a detached 2 story garage with a street setback from Ogden Lane East of 40' where 60' is required; (2) §196-12A (Table of Dimensional Regulations) in order to permit additions to the existing single-family dwelling with a total side yard setback of 54.1' where 56.1' exists and 60 feet is required; (3) §196-13E in order to construct a patio extension 31.8' from the existing boat slip where 50' is required; (4) §196-13E in order to construct an outdoor fireplace 34.6' from the existing boat slip where 50' is required; (5) §196-12A (Table of Dimensional Regulations) in order to construct a patio extension 17.3' from the easterly side lot line where 25' is required; (6) 196-12A (Table of Dimensional Regulations) in order to construct an outdoor fireplace 17.5' from the easterly side lot line where 25' is required; and (7) all other necessary relief on premises located on the southerly side of Ogden Lane East (a/ka/ Schafer Lane), approximately 429' east of Ogden Lane in the A-3 Residence District.

Attorney Kittric Motz was present on the teleconference for the applicants. Ms. Motz confirmed that the Board had received letters from the two neighbors stating that they do not have any objections to this application. Ms. Motz said that the property is an oddly shaped, slightly undersized lot. No lot coverage variance is being requested as they will be at 18% with the additions. Ms. Motz reviewed the variance requests. She explained that her clients have three grown children, and this is a three bedroom house. Looking toward the future, they want to convert the existing attached garage to living space, add a small addition in the back and front of the house, and reconfigure the inside of the house to create a four bedroom home. A second story over the garage is proposed for a fitness room. The main house will remain at one story. Ms. Motz said that to have the garage attached to the house and conform to the 60 ft set back will create a "strip mall" look, which they would like to avoid. The proposed garage doors will be facing the house, not the street. The space between the house and the street is needed for the turning radius. There is no pool house currently on the property, and a cabana bath will be added. A new sanitary system is proposed and everything will be brought up to code. Ms. Motz asked if anyone had any questions. Mr. Peiffer asked if any other alternatives have been explored. Architect Bill Barba spoke next. He explained that the LaSala family is looking to

keep the house at one story. If the garage were to meet the 60 ft setback, this would create an unaesthetically pleasing result, and would make it difficult to achieve the changes inside the house, as well as inhibiting sightlines to the water. Mr. Peiffer asked how long the existing house is currently, and what is proposed. Mr. Barba replied that the current house is 63.2 ft, and the proposed is 76.5 ft. for a 12.5 ft addition. Mr. LaSala clarified that if the garage addition was in conformance it would be 98 ft approximately. Mr. Barba said the roofline would conflict in that case, and there would not be enough room for the turning radius. Ms. Motz also noted that the bedrooms would not have an interior hallway into the house. Mr. Tolley spoke next. He explained that the Board is concerned about the front yard setback going from 60 ft to 40 ft., and that the strip mall analogy would only pertain to the east-west side of the property. Ms. Motz said in that case they could not put the second story on the garage because it would result in a two story garage in front of a one story residence, and the proposed bedroom would not be able to have any front windows. Ms. LaSala spoke next. She reviewed the reasoning for the proposed design. Ms. Motz noted that attaching the garage would raise the FEMA cost beyond the 50%, and then the house would need to be lifted. Mr. Barba said the height of the patio would have to also be adjusted which will increase the cost of the project drastically. Mr. Bruyn asked if the cost of the proposed project has been submitted to the Building Inspector. Mr. Barba said he has met with Mr. Nowak about these issues. Mr. Tolley said he did not have a problem with the setback request from the boat slip to the patio, but the request for the 17.3 ft setback from the neighbors to the east concerns him. He explained that this would be a socializing area that could present a noise problem. Mr. Peiffer asked the height of the proposed garage. Mr. Barba said the height will be just under 18 ft from the slab of the garage, and from zoning 0 (average center line of the street) it will be fully conforming at 20 ft. He said the width of the garage is 32 ft because there is a vestibule to get to the second floor. Mr. Barba also noted that there is a powder room proposed at proper FEMA height, not on the second floor. Ms. Motz noted that the garage has a cottage like look with windows on all sides and a little covered foyer entrance. She also explained that if the garage is attached, it would have to have access to the home from the second floor, which it could not because the house is only one story. Mr. Peiffer thought if the garage was one story, it could be attached to the house as an alternative design. He also explained that this is a very large variance for the Board to grant. Mr. Judge said that the new garage is much longer than the current garage. He felt that maybe the garage could be made smaller and further from the road. Ms. Motz explained that the water line is on one side, and the proposed sanitary system is on the other side, which restricts where the structure can be built. Ms. Chepiga noted that the house was only purchased two or three years ago, and the owners knew of the limitations. Mr. LaSala said that when they started the project they believed they would have a 40 ft exemption, but that turned out to only be applicable to homes on Ogden Pond. He feels this is the best design for the property, and that both neighbors have no objections to the application. He noted that to lift the house would add another \$300,000 to the cost of the project. Mr. Barba noted that this section is the dead end portion of the road, and there are only a few other houses in this area. Mr. Tolley asked if perhaps the driveway could be reconfigured, or other changes made to decrease the variances requested. Mr. Nowak asked if the septic system has been fully approved and if any retaining walls would be needed. Mr. Barba said the septic system has been approved by the Department of Health pending the variance. He explained that no retaining walls will be needed and at most they will need to bring in 8 in of grade. Mr. Bruyn asked if stamped plans from the Health Dept could be submitted, and noted that bringing in any fill would change the front yard look. He also noted that Mr. Nowak would need any FEMA

calculations for this current proposal and any alternatives. Mr. Bruyn said it will need to be determined if the DEC has any jurisdiction over this waterfront property. Mr. Bruyn explained the bathroom is not on the first floor of the garage and will need to be addressed. Mr. Bruyn asked that the character of the neighborhood be described and presented, so the Board can determine the impact of this project. He also asked for a detailed analysis of the alternatives that were discussed today from both a zoning and practical difficulty standpoint. Mr. Tolley said the social area possible impact on the neighbor should be addressed. Ms. LaSala explained that the area of the neighbor's house that would be close to the patio area is mainly used for the AC unit and other utilities. Ms. Motz said they would like to adjourn this application to address the issues and alternatives discussed today. Ms. Chepiga asked if anyone else had any questions. No one did, and Ms. Chepiga asked for a motion to adjourn this application until the next meeting.

MR. JUDGE MADE A MOTION TO ADJOURN THE APPLICATION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

As there was no more business, Ms. Chepiga asked for a motion to adjourn the meeting.

MR. PEIFFER MADE A MOTION TO ADJOURN THE APPLICATION. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.