

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY APRIL 20, 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, Alternate George Sard, Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

Absent: Ed Tolley

1) Ms. Chepiga opened the meeting with a roll call, and noted that the date of the next meeting will be Wednesday, May 25, 2022 at 3pm by ZOOM. Ms. Chepiga asked for a motion to approve the minutes of the March 16, 2022 meeting.

MR. SARD MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 16, 2022 MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) The first matter on the agenda for today was the reopened application of **KRISTA ARCHER at 40 QUAQUANANTUCK LANE [SCTM# 14-1-12.1] for:** variances from the provisions of (1) §196-13(B)(4) in order to legalize a pool house under construction with a height from finished grade to the peak of the roof is 19.8' where 16' is permitted; (2) the height in relation to the mean elevation of the street is 29.8' above mean sea level where a height of 21.9' above mean sea level is permitted; and (3) all other necessary relief on premises located on the southerly side of Quaquanantuck Lane, approximately 250 feet east of Beach Lane in the A-3 Residence District.

Attorney Kittric Motz was present on the teleconference representing the applicant. Ms. Motz noted that she had not filed the original application. Ms. Motz reviewed the approved Building Permit and plans showing the pool house at an elevation of 29.5 feet. Mr. Bruyn noted that the as built height is 29.8 feet. Ms. Motz said that they are requesting 7.9 feet of height relief for the pool house. Ms. Motz said that the pool house was built according to the approved building plans, and that the owner has spent a considerable amount of money so far on the project. Ms. Motz explained that in the past, pool houses could be at 20 or 22 feet (in the flood zone) under the old code. She explained that the matter is further complicated by the Office of Parks, Recreation and Historical Preservation and the Department of Environmental Conservation requirements. Mr. Bruyn asked if just the pool house was being considered historic. Ms. Motz said the whole project was reviewed and permitted by both agencies. She said that if the variance is not granted, they will possibly have to start over with the DEC permit. Ms. Motz explained that her client has explored alternatives, but that it would cost over \$20,000 to lower the roof, and lowering the floor

would also be very expensive. Ms. Chepiga asked if the matter of the height overage had been pointed out to the Building Inspector. Mr. Bruyn asked if the error had been made by the Architect in the design of the pool house. Ms. Motz said she was aware of some correspondence between the Building Inspector and the Architect regarding the height, and said that although the design was not compliant, it was approved. Ms. Motz said that she felt the error was on both parties. Ms. Chepiga said that the first note listed on the Building Permit states that no oversight error or omission on the part of the Building Inspector permits someone to build something that is not in conformity with the Code. Ms. Motz agreed with this but said that her client has relied on this permit and has spent a lot of money to date. Ms. Chepiga said that this problem was self-created as the plans were submitted not in compliance. Ms. Motz said that they were working on the house at the same time, and an error was made. Oscar Giraldo spoke next. He explained that Architect John Condon submitted the plans, as he was the architect licensed in New York State. Mr. Giraldo reviewed how the error in height was calculated incorrectly. He said he believed they could calculate the height from the FEMA elevation of 11 feet. Ms. Motz said there will be landscaping and screening installed. Ms. Chepiga inquired about the character of the neighborhood and minimum variance necessary for this project. Ms. Motz asked to adjourn this matter until the next meeting to consult with her client. Ms. Chepiga asked if anyone on the call would like to be heard. Ms. Michalowski said that Mr. Tedaldi had expressed an interest in this matter but is no longer on the teleconference. Ms. Motz said she will reach out to Mr. Tedaldi before the next meeting. Ms. Chepiga asked for a motion to adjourn the application until the next meeting.

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

There being no more business, Ms. Chepiga adjourned the meeting.