

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY AUGUST 24, 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, Ed Tolley, George Sard (Alternate Member – replacing Geoff Judge at this meeting), Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

Absent: Geoff Judge

1) Ms. Chepiga opened the meeting with a roll call, and set the date of the next meeting to Wednesday, September 21, 2022 at 3pm. Ms. Chepiga asked for a motion to approve the minutes of the July 20, 2022 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 20, 2022 MEETING. MR. SARD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Next, Ms. Chepiga asked for a motion to approve the document **Procedures Applicable to Meetings of the Zoning Board of Appeals/Planning Board Held via Videoconferencing**

MR. PEIFFER MADE THE MOTION. MR. SARD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter on the agenda for today was the application of **WILLOW JESSUP LLC at 99 JESSUP AVENUE [SCTM# 902-7-2-21] for:** an extension of a variance that was granted August 11, 2018, and extended June 20, 2020.

Attorney Kittric Motz was present on the videoconference for the applicant. She explained that the project has been delayed due to COVID, and they are now ready to start construction, and are requesting an extension of the variance. Ms. Chepiga noted that many other projects are proceeding in the Village despite COVID, and asked for more information. Ms. Motz explained that the owners had moved to Florida during the pandemic, and are now back in Quogue. She further explained that the Strongs own the property next to this one, and will using this house for family and guests. Ms. Motz said the building envelope is only 18 ft and they needed some sort of relief no matter what they plan to build. Mr. Tolley asked if the building permit has been issued. Ms. Motz said no, a building permit has not yet been applied for. Mr. Peiffer asked if they have current drawings prepared. Ms. Motz said she believes that the architect is working on the

drawings. Mr. Tolley suggested that a shorter extension be granted, subject to a building permit application. Mr. Nowak said that the Board of Health permit needs to be applied for before the building permit could be issued. Ms. Motz said that a one year extension should be sufficient. Ms. Chepiga asked for a motion to extend the variance for one additional year.

MR. RYAN MADE A MOTION TO EXTEND THE VARIANCE TO AUGUST 11, 2023. MR. SARD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4)The next matter was the amended application of **GORDON RAFAJAC at 9 DEERFIELD EAST [SCTM# 902-1-1-18.5]**for: variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit the construction of a 1,200 sq.ft. detached 3-car garage in the required front yard 46' from the easterly front lot line along Quogue-Riverhead Road where 60' is required; (2) §196-12A (Table of Dimensional Regulations) in order to permit the construction of a 196 sq.ft. detached storage shed in the required front yard 52' from the easterly front lot line along Quogue-Riverhead Road where 60' is required; and (3) all other necessary relief on premises consisting of 59,680 square feet located on the westerly side of Quogue-Riverhead Road, northerly side of Deerfield East, approximately 653 feet west of Scrub Oak Road in the A-3 Residence District.

Architect Daniel Kissinger, and property owners Gordon and Monica Rafajac were on the teleconference. Mr. Kissinger showed the drawings and explained that the area of the deck and the square footage of the shed have both been decreased. These changes will reduce the lot coverage to 19.9%. Mr. Kissinger said the detached garage square footage has been reduced to 1200 sq. ft. and moved to 46.1 feet from the property line. The garage depth was also reduced to 33.3 feet. Mr. Kissinger noted that the proposed pavilion is now attached to the structure of the one story addition. Mr. Kissinger explained that the owners need space in the garage for storage and for a workspace for Mr. Rafajac. He further noted that the surrounding neighbors have been shown the plans and they have no objections. Mr. Kissinger said the area will not be able to be seen from the street and will not have any adverse affect on the surrounding area. Mr. Rafajac said this is their primary year round residence. He explained that they need the additional bedrooms for their growing family, and that he will use the additional garage space to work on his classic cars and for storage. Mr. Tolley asked if the garage could be moved more to the west, or further decrease the depth. Mr. Rafajac explained that there is a cut out area of the driveway to park two cars, and this area is perpendicular to the garage. If there is a car parked in front of the garage, the car would not be able to back up, and they have a very long and narrow driveway, and it becomes very cumbersome to move the cars. Mr. Kissinger said the location of the shed prohibits any further movement of the structure. Mr. Tolley asked if they added more driveway space could that solve the turnaround issue? Ms. Rafajac said the neighbor's bedroom is in that area and they hoped to keep the trees that are in that location. Mr. Tolley said that he thought the trees could be moved. Mr. Ryan said he would like to see the garage moved more but he was comfortable with the current request. Mr. Bruyn asked if the two car cutout exists, as it is not shown on the survey. Mr. Kissinger said yes, it is currently on the property. Mr. Bruyn noted that the survey should be updated and accurate when submitted to the Building Dept. Ms. Chepiga asked for a motion to approve the amended variance.

MR. RYAN MADE A MOTION TO APPROVE THE AMENDED VARIANCE. MR. SARD SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

5) The next matter on the agenda for today was the holdover application of **JONATHAN & ALEXIS DURHAM at 6 QUANTUCK LANE [SCTM# 902-7-3-3] for:** an application for a variance from the provisions of (1) §196-12A (Table of Dimensional Regulations) in order to permit the construction of a two-story addition to an existing nonconforming dwelling with a total side yard of 52.2' where 60' is required; and (2) all other necessary relief on premises located on the easterly side of Quantuck Lane, approximately 347 feet south of Quogue Street in the A-3 Residence.

Ms. Chepiga noted that there has been a request from the applicant to adjourn this matter until the next meeting.

6) The next matter on the agenda today was the holdover application of **STANLEY & VIVIAN PICHENY and ALSTON & HOLLY BEINHORN (owners of nearby properties and herein referred to as “Appellants”)** for: an application appealing the Building Inspector’s determination, dated February 16, 2022, which denied the application of **37 Bay Road, Inc./Silverstein** (herein referred to as applicants/landowners) for a building permit to construct 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, which property is located on the southerly side of Bay Road, approximately 2,623’ easterly of Montauk Highway (SR 27) in the A-8 Residence District known as 37 Bay Road and designated as SCTM# 0902-006.00-01.00-018.011. In recognition of the Board of Appeals’ decision, dated January 12, 2022, the Building Inspector’s denial of the permit at 37 Bay Road requires the applicants/landowners to obtain the Planning Board’s interpretation of certain Declaration of Covenants and Restrictions that were imposed by the Planning Board as a condition of approval of the underlying subdivision. Appellants request the Board of Appeals direct the Building Inspector to deny the permit without such Planning Board interpretation.

Ms. Chepiga noted that the Board has received a request to adjourn this matter as well.

7) The last matter on the agenda today was the holdover application of **DANIEL & ALISA DOCTOROFF at 150 DUNE ROAD [SCTM# 902-16-2-1.4] for:** applicable area and use variances from the provisions of (1) §196-3 in order to permit a second story expansion of the existing nonconforming, one story detached garage with a side yard setback of 24.5' where 25' is required; (2) §196-13(A)(6)(b) in order to construct a second story addition to the existing nonconforming, detached garage with a height of 20.5' where 10' is required for a flat or shed roof; (3) §196-13(A)(6)(b) in order to permit the second floor of the garage to have a bathroom

where a bathroom limited to a sink and toilet is permitted only on the first floor; (4) §196-13(A)(6)(b) in order to permit the second floor of the garage to be used living quarters with a bedroom and bathroom where the use of a second story of a detached garage for uses other than storage, single-room office or exercise room, are prohibited; (5) §196-13(A)(6)(b) in order to permit first and second floor decks on the detached garage where such decks are not permitted; and (6) all other necessary relief on premises located on the southerly side of Dune Road, approximately 2,300 feet east of Post Lane in the A-1 Residence District.

Ms. Chepiga said that the Board has reviewed a draft written decision on this matter. She asked for a motion to approve the written decision as drafted.

MR. PEIFFER MADE A MOTION TO ADOPT THE WRITTEN DECISION. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

There being no more business the meeting was adjourned.