

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY OCTOBER 26, 2022  
3:00 P.M.**

**Pursuant to §103-a of the New York State Public Officer’s Law and Local Law No. 3 of 2022, this public hearing of the Zoning Board of Appeals was held as a hybrid meeting in a combination of both in-person and videoconference (i.e. ZOOM).**

**Members present in person:** Chairperson Pamela Chepiga, Brendan Ryan, Bruce Peiffer, Ed Tolley, Geoff Judge, Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn

**Others present in person:** Deputy Village Clerk Denise Michalowski and Mark Schulte

**Members present by teleconference:** Alternate George Sard

**Others present by teleconference:** Kittric Motz

1) Ms. Chepiga opened the meeting with a roll call, and set the date of the next meeting to Wednesday, November 16, 2022 at 3pm. Ms. Chepiga asked for a motion to approve the minutes of the August 24, 2022 meeting.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 24, 2022 MEETING. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) The first matter on the agenda today was the application of **MARK J. SCHULTE & DELIA PIO at 33 & 35 QUOGUE STREET [SCTM# 902-7-1-47.7 & 8] for:** an application for a variance from the provisions of: (1) §196-22.E. in order to permit a gate and/or gatepost at the shared entrance driveway at a height of 7’ where 6’ is permitted; and (2) Section 196-22.A. in order to maintain a deer fence in excess of 4’ on the subject properties; and (3) all other necessary relief on two parcels of land sharing a common access point onto Quogue Street located on the southerly side of Quogue Street, approximately 411 feet west of Quantuck Lane in the A-8 Residence District.

Property owner Mark Schulte was present at the meeting. Mr. Schulte explained that the additional gate height is necessary because his property is in a deer migration path. He said that the deer can jump the six foot fence, and when they raised it to eight feet it helped, but now the deer just come through the driveway entrance. Mr. Schulte referenced a 2007 rule that was put in place allowing eight foot fences in the Village. Mr. Schulte noted that there are many other fences in Quogue that exceed six feet, and referenced pictures that he has submitted. He further noted that no neighbors have come forward to object, and one neighbor has written a letter of

support. Ms. Chepiga asked about the ownership of the two properties. Mr. Schulte explained that he and his wife have owned 33 Quogue Street since 1989. Around 1993, they purchased 35 Quogue Street jointly with Sherman Lewis. After Mr. Lewis passed, and Ms. Lewis moved, she sold them the land and presently they are the only owners. The Board suggested that Mr. Schulte pursue the legal question as to if these properties are now considered merged into one property. Ms. Chepiga asked for a motion to grant the variance.

**MR. RYAN MADE A MOTION TO GRANT THE VARIANCE. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) 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.

4) 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.

**There being no more business, the meeting was adjourned.**