

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY NOVEMBER 16, 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

**Others present in person:** Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn, Deputy Village Clerk Denise Michalowski, Kittric Motz, Jeremy Wheaton, Aaron Slonim, Yona Slonim, Mason Sofia, Linda Schlesinger and Sal Iannone

**Members present by teleconference:** Geoff Judge, and Alternate George Sard

**Others present by teleconference:** Mr. & Mrs. Lampen

1) Ms. Chepiga opened the meeting with a roll call, and asked for a motion to approve the minutes of the October 26, 2022 meeting. Ms. Chepiga explained that since there are no new applications to hold a December meeting, the next meeting will be Wednesday, January 11, 2023 at 3pm.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 26, 2022 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) The first matter on the agenda was the application of **DEER PATH FAMILY LLC at 19 DEER PATH [SCTM# 902-4-1-62]** for variances from the provisions of (1) §196-12A in order to legalize existing improvements with a total lot coverage in the amount of 22.75% where 20% is required; and (2) all other necessary relief on a 45,477 sq.ft. parcel of land located on the easterly side of Deer Path, approximately 960’ south of Pheasant Run in the A-3 Residence District.

Attorney Kittric Motz and the builder Jeremy Wheaton were present at the meeting. Mr. & Mrs. Lampen, the owners of the property, were present on the teleconference. Ms. Motz reviewed the application. She explained that when the Lampens purchased the property in 2017, they applied for and received an updated Certificate of Occupancy for the property. It was not detected at this time that the property was over in lot coverage. Ms. Motz has tried to contact the original surveyor, but has not received any response. When a new survey was done in 2020, it was discovered that the lot coverage was over 22%. Ms. Motz explained that between 2017 and 2020

the owners had removed parts of the patio, deck and tennis court even before the lot coverage error was discovered. The applicants are proposing to remove additional areas of the tennis court and deck to bring the lot coverage to 22.75%, which is less than when they purchased the property. Ms. Motz also noted that the play set and LP tanks would be moved to a conforming location. Ms. Chepiga asked if the yellow highlighted area on Exhibit 1 was the area to be removed, if the chain link fence would be relocated and if the tennis court is a playable court. Ms. Motz confirmed the area to be removed and that the fence will be moved. Mr. Wheaton said the court was oversized to begin with so it will be a playable court. Mr. Bruyn asked what changes were made to the property after 2017. Ms. Motz said the primary change was to open up the area between the tennis court and the pool, but that the walkway was also removed. Mr. Wheaton said their “unofficial” calculation of the lot coverage of the property at the time of purchase was 23.88% based on Floyd Sears reviewing the 2017 survey. Ms. Motz said an addition was built (with a permit) after 2020, and the lot coverage issue was discovered. Mr. Tolley asked if there were any further areas that could be removed to further reduce the lot coverage, perhaps the slate walk in front could be reduced to under four feet so as not to be included in the lot coverage calculation. Ms. Motz showed the Board pictures of the front walk. Ms. Motz said they could narrow some of the walkway, but would like to keep the portion by the flower beds. Ms. Chepiga asked if anyone else would like to be heard. No one did. Ms. Chepiga asked for a motion to grant the variance with the changes proposed in the application, and subject to narrowing the walkway to under four feet beginning at the garage, and ending just before the turn as discussed.

**MR. TOLLEY MADE A MOTION TO GRANT THE VARIANCE WITH THE PROPOSED CONDITIONS. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**3) 182 DUNE ROAD, LLC (AARON SLONIM) – 182 DUNE ROAD [SCTM# 902-16-2-12]**  
Application for variances from the provisions of (1) §196-47A in order to permit a 6” roof deck with an additional 36” railings on a dwelling under construction at a height of 37’1.5” where 34’ is permitted; and (2) all other necessary relief on a 64,300 sq.ft. parcel of land located on the southerly side of Dune Road, approximately 3,050’ west of the Village boundary line in the A-1 Residence District.

Project designer Mason Sofia and property owner Aaron Slonim were present at the meeting. Mr. Sofia reviewed the application. He explained that the setback from the dune is 154 feet, and that the bottom of the structure of the building is required to be a minimum of 17 feet above sea level. This puts the finished first floor height at 18 feet, which is 14 feet above grade. The height of the ceilings are 9 feet high on the first floor and 8 feet high on the second floor. Mr. Sofia said that owners would like to have an access to the roof level over a limited portion of the house. Mr. Sofia said that the owners would like to have a balcony facing the beach, off of their master suite, for their personal use only. This area would not be used as a party deck. He further noted that the railings would be open so you can see through them as to cause minimal obstruction, and there would be no cooking facilities or speakers in this roof area. Mr. Sofia said there would be very minimal lighting in the area, and no elevator. Mr. Slonim explained that this area would also allow access to the solar panel area. Mr. Tolley noted that this application

did not address the five factors necessary for granting a variance. Addressing the first factor, he thought that the roof deck could be considered an undesirable change to the character of the neighborhood. Mr. Tolley also said that a letter has been submitted had from the neighbor, Linda Schlesinger, in opposition to this application. In regard to the second determining factor, Mr. Tolley said he thought the benefit sought could be achieved by another feasible method, in an alternate location on the property since the plans already called for an ocean-facing deck on the second level. Mr. Bruyn asked if the access to the roof is by the stairway. Mr. Sofia said that is was and showed on the plans where the access would be. Mr. Bruyn asked what the status was of the construction project. Mr. Sofia answered that the mechanicals are installed and the sheetrock and spackling have been completed. Returning to the five factor issue, Mr. Tolley questioned the practical difficulty aspect of this application. He further questioned if this deck would cause a privacy issue of being able to see into the neighbor's windows. Mr. Slonim said that the neighbor's windows are very high and currently overlook his swimming pool, deck and master bedroom. Mr. Slonim showed the Board pictures of the neighbor's windows. Mr. Bruyn requested that all materials that are being referenced at this meeting be submitted into record. Ms. Chepiga asked if anyone else would like to be heard. Sal Iannone came forward to speak representing Mrs. Schlesinger. He asked if the Board wanted him to read the letter that was submitted by Mrs. Schlesinger. Ms. Chepiga said they have all read the letter, and Mr. Iannone did not have anything else to add. No one else came forward to be heard on this matter. Ms. Chepiga said that this application does not address the five factors that the Board must consider to grant a variance. Mr. Sofia asked for this matter to be adjourned to the January meeting to address these factors. Ms. Chepiga asked for a motion to adjourn.

**MR. TOLLEY MADE A MOTION TO ADJOURN THIS APPLICATION TO THE NEXT MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) 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. She asked for a motion to adjourn this application for a final time.

**MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION FOR A FINAL TIME. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) The last 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. Ms. Chepiga asked for a motion to also adjourn this application for a final time. Ms. Chepiga asked Mr. Nowak to write a letter to both this applicant and to the Durhams, explaining that this is the final adjournment that will be granted.

**MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION FOR A FINAL TIME. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

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