

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY JANUARY 11, 2023
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, Geoff Judge

Others present in person: Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn, Deputy Village Clerk Denise Michalowski, Kittric Motz, Robert Schindler, John & Sally McGrath

Members present by teleconference: Ed Tolley, and Alternate George Sard

1) Ms. Chepiga opened the meeting with a roll call, and asked for a motion to approve the minutes of the November 16, 2022 meeting. Ms. Chepiga set the date of the next meeting to Wednesday, February 22, 2023 at 3pm.

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

2) The only new matter on the agenda was the application of **ROBERT & NICOLE SCHINDLER at 15 TALL PINES DRIVE [SCTM# 902-4-1-94.13] for:** an application for variances from the provisions of (1) §196-12A in order to legalize an existing approximately 12’ by 24’ (278 sq.ft.) shed with a setback of 16.2’ from the northerly lot line and 15.9’ from the westerly lot line where 25’ is required; (2) §196-13B(1) in order to legalize an existing shed with a floor area of approximately 278 sq.ft. shed where a maximum of 225 sq.ft. is permitted; (3) §196-13B(1) in order to legalize an existing shed with a contiguous covered deck where no contiguous roof area is permitted; and (4) all other necessary relief, on a 54,773 sq.ft. parcel of land located on the southerly terminus of Tall Pines Drive and northerly side of Montauk Highway in the A-3 Residence District.

Robert Schindler was present at the meeting, and reviewed the application. Mr. Schindler explained that the shed was moved approximately twenty years ago to the current location based on a meeting with former Building Inspector Ed Wolfersdorf. The shed was originally built as a pigeon coop and was renovated and used for storage and a playhouse for the children. Mr. Bruyn asked if the shed was a pre-fab structure. Mr. Schindler said that the structure was brought in on a flat bed truck probably before 2002. Mr. Bruyn said there is a survey in the Building files with

the shed in a proposed location. Ms. Chepiga said that there is an approval in the file for the construction of the shed dated June 20, 2003, with the location shown where the shed was to be located. Ms. Chepiga noted that the shed is not currently in the location noted on this document that was approved, and is now in a non-conforming location. Mr. Schindler said he put the shed in the location that he thought was conforming based on a sketch from an informal meeting with the former Building Inspector. Ms. Chepiga asked if he had a copy of the sketch. Mr. Schindler indicated that he does not have the sketch. Ms. Chepiga pointed out that this is a self-created situation, and that there are conforming locations on the property that the shed could be moved to. Mr. Schindler said that it would be a hardship to move the shed, as it cannot easily be relocated. Mr. Bruyn asked if a permit was issued for the expansion of the shed and addition of the porch area. Mr. Schindler said that he did not change the footprint and didn't think he needed a permit. Ms. Chepiga asked about the other metal shed on the property. Mr. Schindler said that shed will be removed. Ms. Chepiga asked if the metal trailer is in a permitted location. Mr. Peiffer said that it is not parked in a conforming location. Mr. Schindler said he will move it. Mr. Schindler noted that the shed has been there for 20 years, and that the neighbor who wrote the letter is someone with whom he had a disagreement with back in 2016. He further noted that the shed is not near this neighbor's property and has no impact. Mr. Schindler said that the shed is not an eyesore and has sentimental value and this issue only surfaced because he filed for a permit for an extension on his house. Mr. Peiffer said that the shed is not even close to being in a conforming location, it has a porch, and it is too large. Mr. Bruyn asked why moving the shed is a hardship. Mr. Schindler said that he has to have a house moving company move the shed and it does not make sense financially to do this. Ms. Chepiga asked if anyone else would like to be heard. Mr. McGrath came forward and said that he opposed this variance and that he felt that to grant this would set a negative precedent. No one else had questions. Ms. Chepiga asked for a motion to deny this variance.

MR. JUDGE MADE A MOTION TO DENY THE REQUESTED VARIANCE. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

3) The next matter on the agenda was the holdover application of **182 DUNE ROAD, LLC (AARON SLONIM) at 182 DUNE ROAD [SCTM# 902-16-2-12] for: an 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.**

Attorney Kittric Motz was present at the meeting and requested an adjournment until the next meeting.

Ms. Chepiga asked for a motion to adjourn this application.

MR. PEIFFER MADE A MOTION TO ADJOURN THIS APPLICATION. MR. RYAN 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 to withdraw this application from David Neff. She asked for a motion.

MR. JUDGE MADE A MOTION TO APPROVE THE WITHDRAWAL OF THIS APPLICATION. MR. RYAN 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 there has been a request to withdraw this application from Mr. Bragman. She asked for a motion.

MR. PEIFFER MADE A MOTION TO WITHDRAW THIS APPLICATION. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

There being no more business the meeting was adjourned.