

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY MARCH 29, 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, Geoff Judge, Bruce Peiffer, Brendan Ryan, Ed Tolley

**Others present in person:** Village Building Inspector William Nowak, and Village Attorney Wayne Bruyn, Deputy Village Clerk Denise Michalowski, Kittric Motz, Susanna Hermann, Joseph Deppe, Michael Luyckx, Michael Luyckx, Jr., Nina Lawson, Sarah Adams

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

**Others present by teleconference:** Tim Armusewicz

1) Ms. Chepiga opened the meeting with a roll call, and asked for a motion to approve the minutes of the February 22, 2023 meeting. Ms. Chepiga set the date of the next meeting to Wednesday, April 26, 2023 at 3pm.

**MR. JUDGE MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 22, 2023 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) The first matter on the agenda is the request from David Marr od 61 Dune Road to extend for two years the variance that was granted by the Zoning Board on May 19, 2021.

Attorney Kittric Motz was present for the applicant. Ms. Motz explained that they need more time for the Health Department permit, which has been submitted, and that Covid has caused delays. Ms. Chepiga asked if anyone had any questions, and no one did. She asked for a motion to grant the two year extension.

**MR. TOLLEY MADE A MOTION TO GRANT THE TWO YEAR EXTENSION OF THE VARIANCE THAT WAS GRANTED BY THE ZONING BOARD ON MAY 19, 2021. MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

3) The next matter on the agenda was the application of **MICHAEL & SUSAN LUYCKX – 17 WILLOW LANE [SCTM# 902-7-2-40]** for variances from the provisions of (1) §196-3D and §196-7B in order to permit the reconstruction with modifications and additions of a nonconforming single family dwelling with attached garage, screened porch and brick patio on a parcel with three dwellings; (2) §196-47 and §196-48 to permit the reconstruction of the dwelling with a height at elevation 33.88' where the maximum height permitted is at elevation 23.25' in the required front and rear yards; (3) §196-12B (Table of Dimensional Regulations) to permit the reconstruction of the dwelling with the existing attached garage to remain with a front yard/street setback of 19.7' where 60' is required; (4) §196-12B (Table of Dimensional Regulations) to permit the reconstruction of the dwelling with the existing attached garage to remain with a rear yard setback of 38.8' where 70' is required; (5) §196-12B (Table of Dimensional Regulations) to permit the reconstruction of the attached screened porch with a rear yard setback of 34.2' where 70' is required; (6) §196-12B (Table of Dimensional Regulations) to permit the reconstruction of an attached at-grade brick patio with rear yard setback of 18.1' where 25' is required; (7) §196-12B (Table of Dimensional Regulations) to permit lot coverage of 22.04% where 20.00% is required; and (8) all other necessary relief as set forth on the plans and surveys on a nonconforming 15,295 sq.ft. parcel of land located on the westerly side of Willow Lane, approximately 200' north of Main Street in the A-3 Residence District.

Attorney Kittrich Motz and property owner Michael Luyckx were present for this application. Ms. Motz explained that an application has also been submitted to the Board of Trustees. The matter was on the agenda at the last Trustee meeting, and the Board wanted to wait and see what the Zoning Board ruled before any decisions were made. The owners are looking to reconstruct the primary residence with modifications. Ms. Motz asked if the Board would grant permission at this meeting for the building to be demolished as it is unsafe. Mr. Nowak agreed that the building is unsafe at present. Ms. Motz explained that the reason that the height of the house is being increased is because of FEMA requirements to lift the house. Ms. Motz further explained that there is no building envelope on the property, they are keeping the same footprint, and redesigning the interior. Ms. Chepiga asked if the septic system has been approved by the Department of Health. Ms. Motz confirmed that it has been approved. Ms. Chepiga asked if the other two buildings were included in this septic system. Mr. Luyckx confirmed that they are included. Ms. Chepiga next asked what kind of condition are the other buildings in. Mr. Luyckx said they are in good shape and have been maintained, his son lives in one of the buildings and they rent the other. Ms. Chepiga asked if the proper rental permits have been applied for and granted for these rentals. Mr. Luyckx said they have obtained permits. Mr. Peiffer asked if the garage was an attached garage, and this was confirmed that it is. Mr. Bruyn asked about the reconstruction of the garage. Mr. Luyckx said it will be reconstructed almost identical. Mr. Peiffer inquired if it was legal to rent the structure. Mr. Luyckx said they haven't rented in a few years, but in the past, they have rented the cottage with permits from the Village. Mr. Tolley said he is sympathetic to this request, but would be opposed to any future requests for variances to reconstruct the cottages. Mr. Bruyn asked if the other structures were FEMA compliant and Ms. Motz said they were not. Mr. Bruyn asked the reason for the lot coverage variance request. Ms. Motz said the installation of the patio caused the lot coverage overage. Mr. Bruyn asked for the calculations of both the current and proposed floor areas, and the number of bedrooms for each structure to be submitted. Mr. Tolley said that he would like the clarification of the Village Code in regard to the rental dwellings. Ms. Motz said that guest houses were prohibited in January of 1961, and this property predates that. Mr. Tolley

asked if any of the neighbors had objections. Mr. Luyckx said that he didn't know of any objections from the neighbors. Mr. Nowak asked about the history of the six foot stockade fence along the property line. Ms. Motz said she will research this issue. Mr. Luyckx said that he believes that the fence is illegal. Ms. Chepiga asked if anyone at the meeting had any questions or comments. Sarah Adams, a neighbor, came forward in support of this application. Ms. Chepiga said that the Board would like clarification of the rental issue, and that they would not want to prolong the life of the current non-conformity of the property. Ms. Chepiga asked for a motion to adjourn this application to the next meeting., and to permit demolition.

**MR. PEIFFER MADE A MOTION TO ADJOURN THIS MATTER TO THE NEXT MEETING AND TO PERMIT THE REQUESTED DEMOLITION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4) The next matter on the agenda was the holdover application of **JAMES & MARJORIE KUHN - 180 DUNE ROAD [SCTM# 902-16-2-11]** for: variances from the provisions of (1) §196-47A(2) in order to permit the construction of a two-story addition onto an existing two-story dwelling with the height at an elevation of 43' where 38.2' is required; and (2) all other necessary relief, on a 80,569 sq.ft. parcel of land located on the southerly side of Dune Road in the A-1 Residence District.

Susanna Herrmann and Joseph Deppe of En-Consultants were present for the applicants. Ms. Herrmann said this project has been redesigned, and now the proposed addition will be landward of the Coastal Erosion Hazard Line. Ms. Herrmann submitted to the Board the revised plans and square footage calculations. Mr. Bruyn asked if these revisions would require any additional relief beyond what has already been requested. Ms. Herrmann said that the height request has not changed, and they have adjusted the addition clockwise, but they still have to adjust the survey. Ms. Herrmann reviewed the estimated cost handout and explained that the \$400 per square foot is the number they are using to calculate both the depreciated value and the estimated cost of the addition. Ms. Herrmann further noted that FEMA would consider this a non-substantial addition. Ms. Chepiga said the Board would like some time to review the information submitted today. Mr. Tolley asked about the 25% issue. Ms. Herrmann said they have redesigned the project and will come in at approximately 24.8% . Ms. Herrmann noted that they are proposing a height of 43 feet where 38.2 feet is allowed, but that the proposed structure is lower than the existing structure which is 46.6 feet in height. She also noted that this change will not be visible from the road. Ms. Chepiga asked for a motion to adjourn.

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

5) The last matter on the agenda was the holdover application of **182 DUNE ROAD, LLC (AARON SLONIM) – 182 DUNE ROAD [SCTM# 902-16-2-12]** 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.

Ms. Chepiga said the written decision on this matter is not complete, and will be adjourned until the next meeting. She asked for a motion to adjourn this application to the next meeting.

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

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