

QUOGUE VILLAGE PLANNING BOARD
MINUTES OF PUBLIC HEARING
FRIDAY, JUNE 2, 2023

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

Members Physically Present: Chairman Stephen Farrell, Robert Levy, Lynn Lomas, Alternate Richmond Gardner

Member Absent: Clarke Lewis

Others Physically Present: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Village Engineer Vin Gaudiello, Deputy Village Clerk Denise Michalowski, Kittric Motz, Pierre De Saint Phalle, Andrew Oliverio, Pamela Glazer, Peter Haskell

Others Present via Videoconference: Village Fire Marshall David Schaffauer, Jason Bottigler, Susan Lewis

1. Mr. Farrell called the meeting to order, and asked for a motion to approve the minutes of the April 28, 2023 meeting. Mr. Levy made the motion, Mr. Lomas seconded the motion, and the motion was unanimously carried. Mr. Farrell set the date of the next meeting to Friday July 7, 2023 at 9:30 am.

2. The first new matter was the proposed wood and awning signage for **CMT Builders and SFA East Medspa at 164 Jessup Avenue SCTM# 902-8-1-10.**

Mr. Nowak confirmed that that the proposed signage complies with Village requirements. Mr. Farrell made a motion to approve these signs. Mr. Lomas seconded the motion, and the motion was unanimously carried.

3. The next matter on the agenda was the holdover change of tenant application for **Haskell's Seafood at 64 Old Country Road SCTM# 902-2-1-8.4.**

Business owner Peter Haskell was present at the meeting. Mr. Nowak said that there are some outstanding Building Department issues regarding refrigeration units and an electrical inspection, but this would not affect approving a change in tenant. Mr. Farrell made a motion to approve the change of tenant application, Mr. Levy seconded the motion, and the motion was unanimously carried.

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4. The next matter on the agenda was the holdover change of tenant application for **Green Bubble Insulation at 14 Old Country Road SCTM# 902-1-1-7.2.**

No one from this business was present at the meeting. Mr. Nowak said that he met with the owner and accessed the unit. Mr. Nowak said he has no issue with the change of tenant and will review the chemicals stored with Fire Marshall. Mr. Farrell made a motion to approve this change of tenant. Mr. Lomas seconded the motion, and the motion was unanimously carried.

5. The next matter on the agenda was the holdover matter of the **Minor Subdivision Application of Apre Howell LLC at 3 Howell Lane SCTM# 902-11-2-13.1.**

Attorney Robert Kelly has requested an adjournment for this matter until the next meeting.

6. The next matter on the agenda was the holdover matter from **Andrew Oliverio at 164 Jessup Avenue SCTM# 902-8-1-10.**

Property owner Andrew Oliverio and Architect Pamela Glazier were present at the meeting. Mr. Gaudiello requested an that updated survey with existing conditions be submitted. There was discussion of the possibility of utilizing land bank parking. Mr. Bruyn said that since changes are being proposed, parking spaces would not be grandfathered. He further noted that the parking spaces would not necessarily have to all be paved spaces unless it was determined by the Village of Quogue that it was necessary. Mr. Bruyn said that the burden of proof that those spaces are not presently needed to be paved would fall on the property owner and suggested that a Traffic Engineer Report be obtained. Mr. Gaudiello said that the loading area and the right of way area at 48 Quogue Street still needs to be reviewed. There was discussion of the type of tenants that may occupy the property. There was also discussion about shifting the entrance on the north side. This matter was adjourned until the next meeting.

7. The last matter on the agenda was the holdover lot line modification application of **Lewis/De Saint Phalle at 21 and 23 Ocean Avenue SCTM# 902-10-3-37.1,2 & 41.**

Property owner Pierre De Saint Phalle and Attorney Kittric Motz were present at the meeting. Ms. Motz submitted an updated corrected survey to the Board. Ms. Motz is requesting to keep the old septic system easement in place until the sale of the property is completed, and then it will be abandoned. There was discussion of possibly moving or removing the two sheds. Mr. Nowak suggested that both properties get an updated CO after the lot line modification. Ms. Motz is requesting that the property not be subject to limitation on any further subdivisions. Mr. Gaudiello noted that further subdividing these lots would be complicated for the building envelope and would require variances from the Zoning Board of Appeals.

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Mr. Farrell made a motion to adopt the following resolution, Mr. Lomas seconded the motion and all Board members present voted in favor.

Resolution for Application for Transfer of Property and Lot Line Alteration – Lewis/de Saint Phalle - SEQRA Negative Declaration.

WHEREAS, the Planning Board is in receipt of an application for approval of a Sketch Plan for a Transfer of Property and Alteration of the Lot Lines between two adjoining lots located on the westerly side of Ocean Avenue, approximately 174’ north of Niamogue Lane, with Lot 1 owned by Susan H. Lewis (“Lewis”) known as 21 Ocean Avenue and designated as SCTM# 0902-010.00-03.00-041.003 and Lot 2 owned by Pierre de Saint Phalle and Ellen C. de Saint Phalle (“de Saint Phalle”) known as 23 Ocean Avenue and designated as SCTM# 0902-010.00-03.00-037.002; and

WHEREAS, the proposed Transfer of Property and Alteration of the Lot Lines is a project that is subject to environmental review pursuant to Article 8 (State Environmental Quality Review Act -SEQRA) of the New York State Environmental Conservation Law and Chapter 87 (Environmental Quality Review) of the Code of the Village of Quogue and said project meets the criteria for classification as an “Unlisted Action” pursuant thereto; and

WHEREAS, coordination with other involved agencies is optional; and

WHEREAS, the application was referred to the Village’s consulting engineers, who by memoranda, dated February 23, 2023 and June 1, 2023, made certain recommendations; and

WHEREAS, the Planning Board has conducted a review of the information recorded in the Environmental Assessment Form Part I and the Environmental Assessment Form Parts II and III prepared by the Village consulting engineers; and

WHEREAS, the magnitude and importance of each impact has been considered and the Planning Board finds that the project will not result in any large and important impact(s) and, therefore, will not have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the 6 NYCRR §617.7, SEQR and Chapter 87 of the Code of the Village of Quogue, a NEGATIVE DECLARATION is hereby adopted for the application for approval of a Sketch Plan for a Transfer of Property and Alteration of the Lot Lines for Pierre de Saint Phalle & Ellen C. de Saint Phalle and Susan H. Lewis.

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Mr. Farrell next made a motion to adopt a second resolution, Mr. Levy seconded the motion, and all Board members present voted in favor.

Resolution – Application for Transfer of Property and Lot Line Alteration – Lewis/de Saint Phalle

WHEREAS, the Planning Board is in receipt of an application for approval of a Sketch Plan for a Transfer of Property and Alteration of the Lot Lines between two adjoining lots located on the westerly side of Ocean Avenue, approximately 174’ north of Niamogue Lane, with Lot 1 owned by Susan H. Lewis (“Lewis”) known as 21 Ocean Avenue and designated as SCTM# 0902-010.00-03.00-041.003 and Lot 2 owned by Pierre de Saint Phalle and Ellen C. de Saint Phalle (“de Saint Phalle”) known as 23 Ocean Avenue and designated as SCTM# 0902-010.00-03.00-037.002; and

WHEREAS, the two properties are located within the A-3 residential zoning district where the minimum lot size is 43,500 sq.ft. and lot width is 150’; and

WHEREAS, Lot 1 (Lewis) is improved with a dwelling and two small frame sheds and currently contains 60,191 sq.ft. and approximately 157’ of lot width, but is nonconforming as it has no street frontage and gains access via a 15’ right-of-way/easement over the abutting property to the east (n/f Wilson), which r-o-w is to the north of Lot 2; and

WHEREAS, Lot 2 (de Saint Phalle) currently contains 66,569 sq.ft. and approximately 206’ of lot width and is conforming in all respects; and

WHEREAS, the Lewis proposes to transfer the southerly approximately 115’ of Lot 1 containing 16,631 sq.ft. to Lot 2 such that the area of Lot 1 will be reduced to 43,560 sq.ft. and the area of Lot 2 will be increased to 83,200 sq.ft.; and

WHEREAS, the area proposed to be transferred from Lot 1 to Lot 2 will be merged in title with Lot 2, so no new lots, no new nonconformities will be formed and no streets will be altered; and

WHEREAS, the application was referred to the Village’s consulting engineers, who by memorandum, dated February 23, 2023, made certain recommendations and raised concerns about the future subdivision of the proposed Lot 2 and the possibility of a covenant for no further subdivision of Lot 2 in the future; and

WHEREAS, the applicants submitted revised maps to address the mapping concerns of the Board, which were reviewed by the Village’s consulting engineers, who by memorandum dated June 1, 2023, acknowledged the revisions and made recommendations; and

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WHEREAS, the applicants' attorney in a letter dated May 26, 2023 advised that de Saint Phalle has no present intention to subdivide Lot 2 and that it would be premature to consider restricting future subdivision at this time; and

WHEREAS, the Planning Board considered the applicants' comments and advised the applicants' attorney that although there are no objections to the proposed transfer of property and lot line alteration, unless there were a significant change in circumstances, further subdivision of Lot 2 would not be considered favorably as the future subdivision of Lot 2 would result in oddly configured lots that cannot conform to the current A-3 zoning requirements, including lot area, lot width, street frontage, location and status of the accessory garage and the setback requirements for the existing dwelling; and

WHEREAS, the proposed Transfer of Property and Alteration of the Lot Lines is classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA), and upon the recommendation of the Village consulting engineers, the Planning Board, by resolution, dated June 2, 2023, adopted a Negative Declaration; and

WHEREAS, the Planning Board finds that the sketch plan as last revised on June, 2023, meets the purposes of §162-60 of the Subdivision Regulations, subject to such conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the application for approval of a Sketch Plan for a Transfer of Property and Alteration of the Lot Lines for Pierre de Saint Phalle & Ellen C. de Saint Phalle and Susan H. Lewis consisting of the transfer of 16,631 sq.ft. from the Lewis Lot 1 to de Saint Phalle Lot 2 so that the area of Lot 1 will be reduced to 43,560 sq.ft. and the area of Lot 2 will be increased to 83,200 sq.ft. in the manner described herein such that no new lots, no new nonconformities will be formed and no streets will be altered as further described on the survey map entitled "Lot Line Modification: DeSaint Phalle & Susan H. Lewis" prepared by David H. Fox, L.S. last revised on June 2, 2023, be and hereby is APPROVED, WITH THE FOLLOWING CONDITIONS:

1. The map for the Planning Board's signature shall be revised to address the comments of the Village's consulting engineers, dated June 1, 2023 and the removal of the two frame sheds on the transfer parcels.
2. As recommended by the Village's consulting engineers, the existing sanitary easement that permitted de Saint Phalle to maintain a sanitary system for their garage on the Lewis property shall be extinguished at the time of the conveyance of the transfer parcel.
3. The applicants shall obtain necessary approvals from the SCDHS.
4. The transfer of property shall be accomplished in a manner to cause the transfer parcel to merge in title as described herein, including if necessary recording confirmatory deeds

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with legal descriptions of the newly configured lots and filing necessary paperwork with the Tax Assessor to recognize the merger of the transferred parcel.

5. The applicants shall within three (3) months of the filing of the map, obtain updated Certificates of Occupancy for each property in their new configuration.

AND BE IT FURTHER RESOLVED, that pursuant to §§162-59-162-60 of the Subdivision Regulations, the Planning Board hereby waives the submission, approval and filing of the final plat and application noting that pursuant to §162-60B this sketch plan approval and waiver shall expire in six (6) months from the date of this resolution.

There being no more business, Mr. Farrell made a motion to adjourn the meeting. Mr. Levy seconded the motion, and motion was unanimously carried.