

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY JULY 12, 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, Bruce Peiffer, Brendan Ryan, Ed Tolley

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

**Others present in person:** Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Ava Shapiro, Kittric Motz, Michael & Susan Luyckx, Michael Luyckx, Jr., Floyd Carrington, Heather Wright, Nathan Wright, Robert Kelly, Marie Therese O’Neill, Michael Pinonzek

**Others present by teleconference:** Timothy Rasic, Frank Ingrassia, Mary Ann Casati

1) Ms. Chepiga opened the meeting with a roll call, and set the date of the next meeting to August 30, 2023. Next, she asked for a motion to approve the minutes of the May 31, 2023 meeting.

**MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 31, 2023 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2) The first matter on the agenda was the application of **GEOFFREY P. JUDGE & MARY ANN CASATI - 6 HEATHERWOOD LANE [SCTM# 902-6-3-3]** for variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to permit the expansion of a screen porch on the westerly side of the existing dwelling to a setback of 80.9’ from the southerly rear lot line where 100’ is required; (2) §196-12 (Table of Dimensional Regulations) in order to permit the construction of a kitchen addition on the easterly side of the existing dwelling to a setback of 84.9’ from the southerly rear lot line where 100’ is required; and (3) all other necessary relief on an 87,967 sq.ft. parcel of land located on the southerly side of Heatherwood Lane, approximately 550’ east of Montauk Highway in the A-8 Residence District.

**Mr. Judge stated that he will be recusing himself from this matter, as he is one of the applicants, and he then removed himself from the ZOOM call. Ms. Chepiga noted that alternate member George Sard will be taking Mr. Judge’s place in the meeting and will be a voting member for this matter.**

Attorney Heather Wright was present at the meeting and Mary Ann Casati was on the ZOOM call. Ms. Wright reviewed the application. She explained that the applicants would like to extend the existing screen porch to 80.9 feet from the property line, where 100 feet is required. They are also requesting to renovate the kitchen, where a small bump-out area will require variance relief. Next, Ms. Wright reviewed the history of the property. She stated that this property is in the A8 Zoning district, and is Lot #3 of the Heatherwood Subdivision. She further noted that the property has a lot coverage of 8%. Ms. Wright said the original Certificate of Occupancy for the property was issued in 1980. The CO was for a two story house, with the first floor used as a stable area, and the second floor used as habitable space. She continued that in 1989, the first floor was renovated to become habitable space. In 1993, the house was further renovated and the screen porch and decking were added at this time with variance relief to 63.3 feet rear yard setback. Ms. Wright said that the applicants will be adding a master bedroom on the first floor and renovating the kitchen. She noted that only a small area of the kitchen will need variance relief, will not exceed maximum height requirements, and will not be located any further south than what is existing currently. Ms. Wright added that the screen porch expansion will be north of what is already existing.

Ms. Wright next addressed the five part variance test. She said that granting this variance will not change the character of the neighborhood. She said that the neighbors have been consulted and have no objections. Ms. Wright added that the neighbor to the south, Mr. Walker, has sent an email in support of this variance. Ms. Michalowski said that she did receive this email and will print up copies for the Board, and for the record. Ms. Wright said that the adjoining vacant property closest to the kitchen area is owned by the applicants. Ms. Chepiga asked that the deed for the adjoining property be submitted for the record. Mr. Tolley requested that a survey showing the proposed renovation be submitted as well. Next, Ms. Wright explained that the house is outside the building envelope, and there is no feasible alternative. She added that the applicants are requesting the minimum relief necessary for the project, and will not be getting any closer to the setbacks. Ms. Wright said that the renovation is considered a standard improvement to the home, and that they will be updating the septic system, which will be a benefit to the environment. She said they are constrained by the fact that that the house is pre-existing and outside the building envelope.

Mr. Tolley said that this request does not seem to be substantial, and that no neighbors are objecting. Ms. Casati clarified that the adjoining vacant property is owned by an LLC of which they are members of. Ms. Chepiga asked if anyone else would like to be heard. As no one did, she asked for a motion to close the record except for the survey with proposed improvements, and document of ownership for Lot#4.

**MR. PEIFFER MADE A MOTION TO CLOSE THE RECORD EXCEPT FOR THE REQUESTED ITEMS, MR. TOLLEY SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.**

3) The next matter on the agenda was the application of **74 MONTAUK HIGHWAY QUOGUE LLC - 74 MONTAUK HIGHWAY [SCTM# 902-9-2-9]** for variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to legalize a one-story addition to an existing dwelling to a setback of 9.4' from the southerly rear lot line where 25' is required and (2) all other necessary relief on a 28,067 sq.ft. parcel of land located on the southwesterly corner of Montauk Highway and Old Depot Road in the A-5 Residence District.

**Ms. Chepiga noted that Mr. Judge will also be recusing himself from this application as his attorney, Ms. Wright, is also representing the applicants for 74 Montauk Highway. Mr. Sard will again be a voting member taking Mr. Judge's place for this application.**

Attorney Heather Wright and property owner Michael Pinonzek were present at the meeting. Ms. Wright reviewed the application. She explained that the applicant acquired this property when his mother passed away. The property is in the A5 Zoning District and has a lot area of 28,067 sq. ft. The property is currently improved with a two story single family dwelling, a one story garage, and pre-existing shed and sunporch. It was discovered that the garage and the screened porch do not meet setbacks, and were constructed some time in the 1960s. The applicant is willing to remove the existing garage, and is requesting relief to legalize the screened porch area. Ms. Wright explained that as this has been in current location for over fifty years, there will be no change to the character of the neighborhood. Ms. Wright reviewed photographs showing how the neighbors are not impacted by this area. Ms. Wright added that there is no feasible alternative as the structure is already there, and they would like to legalize it. Ms. Wright said that while this may seem substantial mathematically, the removal of the garage area is a mitigation. She added that granting this variance will have no environmental impact. Ms. Wright said that this is not self-created, as the applicant inherited the property. Ms. Chepiga asked if the neighbors had been consulted. Ms. Wright said they had not. Ms. Michalowski said that the surrounding neighbors were mailed notices of this application. Mr. Peiffer asked what the shed is being used for and if it has plumbing. Mr. Pinonzek said the shed has no plumbing and is used for storage. Mr. Peiffer asked about the patio. Mr. Pinonzek said it can be easily removed. Ms. Chepiga asked if anyone would like to be heard. As no one did, she asked for a motion to approve the requested variance conditioned on the removal of the garage.

**MR. RYAN MADE A MOTION TO GRANT THE VARIANCE REQUEST CONDITIONED ON THE REMOVAL OF THE GARAGE, MR. TOLLEY SECONDED THE MOTION AND THE MOTION WAS UNANIMOUSLY CARRIED.**

**Mr. Judge then returned to the ZOOM call.**

4) The next matter to be heard was the application of **JOHN DARRIN O'NEILL and MARIE T. O'NEILL – 7 BEACH LANE [SCTM# 902-7-3-43]** for variances from the provisions of (1) §196-12 (Table of Dimensional Regulations) in order to permit a one-story addition and attached covered patio to the westerly side of the existing dwelling to a total side yard setback of 53.7' where 60' is required; and (2) all other necessary relief on a nonconforming 38,961 sq.ft. parcel

of land located on the westerly side of Beach Lane, approximately 220' south of Quogue Street in the A-3 Residence District.

Attorney Robert Kelly and applicant Marie O'Neill were present at the meeting. Mr. Kelly reviewed the application. He explained that there is an existing one story house on a non-conforming narrow lot. He said this is a well screened area and that the addition will not be seen from the road, and they are conforming to the other property line setbacks. He noted that the lot coverage with the proposed addition will be at 12.1% lot coverage where 20% is permitted. Mr. Kelly said for these reasons, there will be no adverse effect to the neighborhood, and there is no feasible alternative. Mr. Kelly said they have spoken to the neighbors to the north and south, and they have no objections. Ms. Chepiga asked if anyone had questions or would like to be heard. As no one did, Ms. Chepiga asked for a motion to approve this request.

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

**5) FOUR WINDS, LLC – 20 DUNE ROAD [SCTM# 902-12-2-10]**

Attorney Kittric Motz was present at the meeting, and Mr. Ingrassia was on the ZOOM call. Ms. Motz explained that a five year variance granted on June 9, 2018, and the applicants would like to request a five year extension. She explained that there have been no changes in ownership. Ms. Chepiga asked if the Covenants and Restrictions had ever been filed with Suffolk County regarding the 2018 variance. Ms. Motz said that inadvertently it had not been filed, and she has submitted a copy to Mr. Bruyn for approval. Ms. Chepiga asked if anyone would like be heard. As no one did, Ms. Chepiga asked for a motion to approve the requested extension for five years from today, conditioned on the required filing of the document with Suffolk County within the next 30 days.

**MR. PEIFFER MADE A MOTION TO GRANT A FIVE YEAR EXTENSION OF THE VARIANCE GRANTED IN 2018 CONDITIONED ON THE FILING OF THE REQUIRED DOCUMENTS TO SUFFOLK COUNTY. MR. JUDGE SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.**

**6) The next matter on the agenda was the holdover 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 Kittric Motz, Michael Luyckx, and Floyd Carrington were present at the meeting. Ms. Motz said they have reviewed the surveys and it was discovered that the discrepancy in the lot coverage was caused by a difference in the interpretation of which items need to be included toward the lot coverage calculation. Ms. Motz said that under the old methodology the lot coverage was 20.5%, and the same structures calculated currently would come to lot coverage of 22.4%. If the patio was removed, the lot coverage would come to 22.04%. Mr. Peiffer said that he still can't get past the lot coverage with a new house being constructed. Ms. Motz noted that they are upgrading the septic systems for all three homes and becoming FEMA compliant, and the footprint is grandfathered. Mr. Peiffer said that he thought there were other ways that a reduction of lot coverage could be achieved as this is a new structure. Ms. Motz said they want to maintain the grandfathered footprint of the structure. Surveyor Floyd Carrington said that lot coverage is calculated differently in different Villages, and not every Building Inspector interprets the Village Code regarding lot coverage the same. This can cause a difference in the lot coverage calculation. Mr. Nowak confirmed that other surveyors consult with him regarding what items count toward lot coverage according to his interpretation. Ms. Motz asked if Mr. Nowak and the previous building inspector interpreted lot coverage differently. Mr. Nowak said possibly, with regards to the four foot width of stairs and walkways, and amendments. Ms. Motz reviewed the submission regarding the lot coverage calculations, and there was further discussion on the items counted toward the calculations. Ms. Chepiga asked if there currently are any plans to renovate House A or C. She expressed concern about the applicant coming back to the board with additional requests for lot coverage. Mr. Luyckx said it is a possibility as they would like to upkeep the other houses, but he did not anticipate constructing them any larger. Mr. Nowak said none of the other structures could be reconstructed without a variance. Ms. Motz requested that this matter be adjourned to the next meeting. Ms. Chepiga asked if anyone would like to be heard. No one did, and she asked for a motion to adjourn.

**MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION, MR. TOLLEY SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.**

6) The last matter on the agenda was the holdover application of **CHARLES & WENDY HAMMER – 3 BARKER LANE [SCTM# 902-7-1-28]** for a variance from the provisions of §196-49 in order to permit the construction/remodeling and additions to a single family dwelling to allow a gross floor area of 5,630 sq.ft. where a maximum of 4,930 sq.ft. is permitted, and all other necessary relief on a nonconforming, 31,090 sq.ft. parcel of land located on the westerly side of Barker Lane, approximately 134' south of Quogue Street in the A-3 Residence District.

**Ms. Chepiga noted that a request for an adjournment has been submitted to the Board.**

**Mr. TOLLEY MADE A MOTION TO ADJOURN THIS APPLICATION, MR. PEIFFER SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.**

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