

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY NOVEMBER 8, 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, Ed Tolley, Bruce Peiffer

Member present by ZOOM: Alternate member George Sard

Member Absent: Geoff Judge

Others present in person: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Richard Gee, Stacy LaVictoire, Michael Luyckx, Timothy Rasic, Wendy & Charles Hammer, Steven Giuffre, Heather Wright, Jim Hulme, Kittric Motz, Nina Lawson, Kyle Ruhs, David Celi, Rocco Lettieri, Sarah Adams, Monica & Gordon Rafajac, Adam Sattler

Others present by ZOOM: Jacqueline Morley, Robert & Lynn Ducommun, Margaret Nordlinger, Jennifer Cohen

1. Ms. Chepiga took a roll call, and noted that alternate member George Sard was present on the ZOOM call. She then set the date of the next meeting to December 6, 2023. Ms. Chepiga next asked for a motion to approve the minutes of the September 27, 2023 meeting.

MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 27, 2023 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter on the agenda was the application of **QUOGUE BEACH CLUB, INC. at 132 DUNE ROAD [SCTM# 902-15-2-19]** for variances from the provisions of: (1) §196-7.1B in order to permit the construction of second floor addition to an existing nonconforming garage to be used for habitable living area for accessory employee housing; (2) §196-13(6)(b) in order to permit the second floor of the garage to be used for habitable living area with sleeping cooking and sanitary for accessory employee housing; (3) §196-13(6)(b) in order to permit the construction of second floor addition to an existing garage to a height of 29.37’ where a maximum of 20’ is allowed; and (4) all other necessary relief as shown on the plans and survey, last dated September 14, 2023, submitted with the application, on a 454,884 sq.ft. parcel of land located on the southerly side of Dune Road, northerly side of the Atlantic Ocean, approximately 1,000’ east of Post Lane in the A-1 Residence District.

Attorney Heather Wright was present for the applicant. Ms. Wright reviewed the application and explained that this is a 10.45 acre property on the south side of Dune Road, presently improved with a clubhouse, decking, stairs, patios, fencing, parking lot, two story dwelling and garage. She noted that this property has undergone permitted renovations, the most recent in 2011, but they have not been able to locate Certificates of Occupancy for all of the building permits. Ms. Wright said that an application for an updated Certificate of Occupancy has been submitted to the Building Department to clear up the paperwork. She explained that the applicant is proposing to convert the existing storage area above the garage to a small, seasonal, one bedroom, one bath staff apartment, and they will need a height variance of 3.6 feet to construct this apartment. She next reviewed the five factors, and said this would not cause any undesirable change to the neighborhood, as the structure is setback considerably from Dune Road. Ms. Wright next handed out photographs to the Board, and explained that they are not increasing height over what is already existing, but are adding a dormer to the non-conforming structure. She added that the project will only add 700 cubic feet to the structure, and the structure will meet all other dimensional regulations. Ms. Wright said there is no other feasible alternative to this location, and that this is not a substantial variance request, as they are not adding to the footprint of the property. Ms. Wright also noted that there would not be a negative environmental impact, as they will be upgrading the current septic system. Mr. Peiffer asked how many people this apartment would house. Ms. Wright responded that this would only be one bedroom, one bath structure with a small sitting area. Ms. Chepiga asked if anyone present had any questions, and no one did. Ms. Chepiga noted that this application had been referred to the Suffolk County Planning Commission, and they have not yet responded. Ms. Chepiga asked for a motion to grant the requested variance on the condition that the applicant will conform to any provisions requested by the Suffolk County Planning Commission report.

MR. RYAN MADE A MOTION TO CONDITIONALLY GRANT THIS VARIANCE, MR. PEIFFER SECONDED THE MOTION, AND MOTION WAS UNANIMOUSLY CARRIED.

3. The next matter on the agenda was the application of **RICHARD & JANETTE GEE at 115 MONTAUK HIGHWAY [SCTM# 902-4-1-96.1]** for variances from the provisions of (1) §196-4 in order to legalize the conversion of a 212.8 sq.ft. portion of a conforming storage space in a garage to a cabana with attached portico over a brick patio where the combined floor area of the garage and pool house exceeds the maximum 250 sq.ft. allowed; (2) §196-13A(6)(b) in order to legalize the conversion of a 212.8 sq.ft. portion of a conforming storage space in a garage to a cabana with attached portico over a brick patio to living area where only storage and a sink and toilet are permitted on the first floor of a garage; (3) §196-13B(4) in order to legalize the conversion of a 212.8 sq.ft. portion of a conforming storage space in a garage to a cabana with attached portico over a brick patio to living area where the combined floor area of the garage and pool house exceeds the maximum 250 sq.ft. allowed; and (4) all other necessary relief as shown on the plans and survey, last dated June 30, 2023, submitted with the application, on a 43,555 sq.ft. parcel of land located on the northerly side of Montauk Highway, approximately 687' westerly of Deer Path in the A-3 Residence District.

Attorney Heather Wright and homeowner Richard Gee were present for this application. Ms. Wright reviewed the application and noted that an updated Certificate of Occupancy for this property was issued May 20, 2021. She explained that the applicants are requesting to legalize the conversion of the storage space, which is attached to the existing garage, and was converted to an open cabana with a portico. Ms. Wright said the applicants purchased the property in 2021, and then in 2022 they had their handyman take down the back wall of the structure and construct a portico for shade by the pool. She added that this structure has no plumbing, or heating, will not be used for sleeping or cooking, and that this area meets the pool house requirements of being less than 250 square feet. Ms. Wright further noted that the reason the variance is needed is because the structure is attached to the existing garage. Ms. Wright said that the applicant is now aware that a building permit should have been obtained and is looking to rectify the situation. Ms. Wright next reviewed the five part test and explained why this structure would not change the character of the neighborhood. She added that the current location is the perfect location for the shaded area, and they will be closing up the door between the unfinished garage and the cabana space. Ms. Wright said that this project is not substantial, as it is under 250 square feet, and would be permitted if it was a stand-alone structure. She added that there would be no environmental impact. Mr. Tolley asked if the applicant would agree to the conditions of having no plumbing in the cabana area, and no further conversion of the remaining garage space. Mr. Wright said the applicants would be agreeable to these conditions. There was discussion of how the renovation began and Mr. Peiffer expressed that the Board would like to know the name of the contractor. Ms. Chepiga asked if anyone else would like to be heard, and no one did. Ms. Chepiga said that as in the previous matter, the report from the Suffolk County Planning Commission has not yet been received. Ms. Chepiga asked for a motion to grant this variance on the following conditions: (1) the applicant will conform to any provisions requested by the Suffolk County Planning Commission, (2) no plumbing will be installed in the cabana area and no further conversion of the garage area, and (3) the applicant agrees to provide the name of the contractor who did the work to the structure.

MR. TOLLEY MADE A MOTION TO CONDITIONALLY GRANT THE REQUESTED VARIANCES, MR. RYAN SECONDED THE MOTION AND THE MOTION WAS UNANIMOUSLY CARRIED.

4. The next matter to be heard was the application of **DAVID A. CELI at 8 INDUSTRIAL DRIVE [SCTM# 902-1-1-21.7]** for variances from the provisions of (1) §196-12A (Table of Dimensional Regulations) to permit the construction of an 84' by 215', 18,060 sq.ft., one-story industrial building with an interior mezzanine to be used as an indoor sports training facility with a front yard setback from Quogue-Riverhead Road of 50' where 60' is required; (2) §196-12A (Table of Dimensional Regulations) to permit the construction of the industrial building with a rear yard setback from the LIRR of 41.38' where 80' is required; (3) §196-12A (Table of Dimensional Regulations) to permit lot coverage of 27.00% where 20.00% is required; (4) §196-35 for an interpretation and/or waiver of the required amount of off-street parking as required for either a commercial or industrial use to allow 48 spaces shown on the plans submitted with the application; and (5) all other necessary relief as shown on the plans submitted with the application, on a 68,834 sq.ft. parcel of land located on the southerly side of Industrial Drive,

westerly side of Quogue-Riverhead Road, northerly side of the LIRR in the LI-2 Industrial District.

Applicant David Celi was present at the meeting and reviewed the application. Mr. Celi explained that he also has an application before the Planning Board for this proposed Indoor Sports Facility. He said this building will be used for sports practices and small birthday parties. He noted that the birthday parties will not be catered events, just perhaps pizza and cake, and no food will be prepared onsite. Mr. Celi said he thought the hours would be approximately 3:30 to 10 pm on weekdays, and weekends 8 am to 10 pm. He said the shape of the building, and the property having two front yards is the reason that variance relief is needed. He noted that they have tried to minimize the variance needed by putting the building to the north, which will also move the building farther away from the residential neighbors. Mr. Tolley said the Board would like to have the five part test addressed for the next meeting. Mr. Bruyn said that more information is needed for parking and traffic concerns. Mr. Celi said he has spoken with the owner of Arenz Heating and Air Conditioning, and they will have an agreement to use each other's parking lots as needed. Ms. Chepiga said the Board is concerned with issuing these variances if the use of this building were to change in the future. She further noted that any relief granted may only apply to this use only. Ms. Chepiga asked if anyone would like to be heard. Adam Sattler, owner of 3 Deerfield East came forward and spoke of his concerns regarding this project. Mr. Sattler expressed concern about the height and color of the building, the smell from the dumpster, and the lighting in the parking lot. He said he was also concerned about noise from teams playing in the parking lot. There was discussion of what would be allowed to be built as of right on the property, and possible alternate locations for parking. Mr. Bruyn said this project is also going to be heard before the Planning Board. Monica and Gordan Rafajac, owners of 9 Deerfield East spoke next. Mr. Rafajac said that he has the same concerns as Mr. Sattler regarding the building. He said he is also concerned that a pickleball court could be added, which could present a noise problem. Ms. Rafajac said she was concerned about the noise from construction. Steve Giuffre, owner of Self Storage of Quogue, came forward to speak next. He expressed concern about the current parking problem in this area, and wanted to make sure adequate parking is provided for the building. Mr. Guiffre showed the Board a picture of the current parking situation. He said that the entrance to the storage facility sometimes gets blocked from cars parked in this area. There was discussion of occupancy for the building and spectators for the practices. Kittric Motz came forward and spoke about possible spectator seating. The Board suggested that Mr. Celi meet with his neighbors, and if the neighbors would like, they can put any additional concerns in writing for both the Zoning and Planning Boards to consider. Ms. Chepiga asked for a motion to adjourn this application to the next meeting.

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

5. The next matter to be heard was **STACY LAVICTOIRE at 13 ELIZABETH LANE [902-4-2-2.11]** for variances from the provisions of (1) §196-12B (Table of Dimensional Regulations) in order to legalize the construction of an approximately 55' by 60' asphalt pickleball court replacing a former tennis court with a setback from Quogue Riverhead Road of 53.3' where 60' is required; and (2) all other necessary relief as shown on the survey, last dated August 25, 2023,

submitted with the application, on a 48,729 sq.ft. parcel of land located on the easterly side of Elizabeth Lane, westerly side of Quogue Riverhead Road, approximately 305' south of Scrub Oak Road in the A-3 Residence District.

Attorney Kittric Motz and owner Stacy Lavictoire were present at the meeting. Ms. Motz said this property was purchased by her client in 2021, and that she has been working with the Village to bring violations on this property into conformance. Ms. Motz said that the tennis court did originally have a Certificate of Occupancy, but was expanded by the previous owner. Ms. Lavictoire said that she was over in lot coverage, and thought the best way to remedy this was to remove the tennis court and construct a smaller pickleball court. She said she was unaware at the time at the previous owner added 7 feet of asphalt on each side of the tennis court after the Certificate of Occupancy had been issued. She said if she would have known, she would have put the court in a conforming location. Ms. Motz said they are asking for 6.7 feet of relief for the existing pickleball court. Ms. Motz noted that both neighbors have written letters of support for this application, and that it will not be visible from the road. Ms. Motz said that allowing this court to remain will not change the character of the neighborhood as the neighbors also have courts, and that it would be a financial hardship to remove the court. She further noted that this is not a substantial request, and that it will have no impact on the environment. Ms. Chepiga asked if anyone would like to be heard. No one came forward, and Ms. Chepiga asked for a motion to approve this request.

MR. PEIFFER MADE A MOTION TO GRANT THIS VARIANCE, MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

6. The next matter to be heard was the re-advertised application of **MICHAEL & SUSAN LUYCKX at 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 attached garage and screened porch 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) §196-12A (Table of Dimensional Regulations) to permit the reconstruction of the dwelling with attached garage and screened porch with a front yard setback of 19.7' where 60' is required; (4) §196-12A (Table of Dimensional Regulations) to permit the reconstruction of the dwelling with attached garage and screened porch with a rear yard setback of 34.3' for the screened porch, 37.1' for the grill pad and 38.4' for the dwelling where 70' is required; (5) §196-12A (Table of Dimensional Regulations) to permit lot coverage of 20.05% where 20.00% is required; and (6) all other necessary relief as set forth on the plans and survey, last dated September 16, 2023, submitted with the application, 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, Architect Kyle Ruhs, and owner Michael Luyckx were present at the meeting. Ms. Motz said she has nothing additional to add. Ms. Chepiga asked if anyone would like to be heard. Attorney James Hulme came forward to speak on behalf of neighbor Margaret

Nordlinger, who was on the ZOOM call. Mr. Hulme discussed the increase in volume of the structure, and how it significantly impacts the character of the neighborhood. He also spoke of how the Board should consider conditions for the future development of other structures on the property. There was discussion of Ms. Nordlinger's view of this property, and if the structure has a significant impact on the neighborhood. Ms. Nordlinger spoke of her view of the property, and the increase in mass and volume of the structure. Ms. Motz reviewed her submission regarding the increase in volume of the proposed structure. Ms. Chepiga asked if anyone else would like to be heard. No one came forward, and Ms. Chepiga asked for a motion to close the record on this matter, and adjourn to the next meeting for decision.

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

7. The next matter on the agenda was the holdover application of **ROBERT C. & LYNN A. DUCOMMUN at 12 POST LANE [SCTM# 902-10-3-44]** for a variance from the provisions of §196-13(6)(b) in order to permit the construction of a cupola on the roof of a proposed detached garage to a height of 24.4' where a maximum of 20' is allowed; and all other necessary relief on a nonconforming 34,074 sq. ft. parcel of land located on the westerly side of Post Lane, approximately 375' north of Niamogue Lane in the A-3 Residence District.

Attorney Jacqueline Morley and owner Mr. Ducommun were present on the ZOOM call. Ms. Chepiga asked for a motion to grant this variance request, and noted that Mr. Sard would be voting on this matter as Mr. Judge was not present.

MR. TOLLEY MADE A MOTION TO GRANT THIS REQUEST, MR. RYAN SECONDED THE MOTION. MS. CHEPIGA VOTED TO APPROVE THE VARIANCE, MR. PEIFFER VOTED AGAINST THE VARIANCE. MR. SARD'S VOTE WAS NOT HEARD. THIS MOTION WAS CARRIED 3 TO 1 TO GRANT THE VARIANCE.

8. The next matter on the agenda was the holdover application of **ROBERT C. DUCOMMUN AS TRUSTEE OF THE ROBERT C. DUCOMMUN TRUST U/A/D 05/12/95 and LYNN A. DUCOMMUN at 14 POST LANE [SCTM# 902-10-3-33.2]** for a variance from the provisions of §196-49 in order to permit the construction of an additional 282 sq. ft. of habitable space above the existing detached garage as a recreation room increasing the gross floor area of the dwelling to 6,763 sq. ft. where 6,481 sq. ft. is allowed; and all other necessary relief on a conforming 44,010 sq. ft. parcel of land located on the westerly side of Post Lane, approximately 168' north of Niamogue Lane in the A-3 Residence District.

Attorney Jacqueline Morley and Mr. Ducommun were present on the ZOOM call. Ms. Chepiga noted that the record had been closed at the last meeting, but a decision would not be given today. She asked for a motion to adjourn this application to the next meeting for decision.

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

9. The last holdover matter on the agenda was the holdover application of **CHARLES & WENDY HAMMER at 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.

Attorney James Hulme, builder Rocco Lettieri and owner Charles Hammer were present at the meeting. Mr. Hulme said that Mr. Hammer has met with Mr. & Mrs. Torpey and worked out an agreement for landscaping. Mr. Hulme further noted that the Health Department had approved 6 bedrooms for this structure and there are currently 5 five bedrooms. Mr. Bruyn asked if there is anything in writing from the neighbor regarding the landscaping. Mr. Hammer said he spoke with the neighbor and they agree, but nothing yet has been submitted in writing. Ms. Chepiga asked in anyone else would like to heard. No one came forward, and she asked for a motion to adjourn this application to the next meeting for decision.

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

There being no more business, Ms. Chepiga asked for a motion to adjourn the meeting.

MR. TOLLEY MADE A MOTION TO AJOURN THE MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.