

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY MARCH 27, 2024
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, Ed Tolley

Members present by ZOOM: Alternate member Geoff Judge, George Sard

Others present in person: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Kittric Motz, Tim Ganetis, Richard Haefeli

1. Ms. Chepiga took a roll call, and noted that Mr. Judge and alternate member Mr. Sard were participating in the meeting by ZOOM. Ms. Chepiga then set the date of the next meeting to Wednesday, April 24, 2024 at 3pm. Next, she asked for a motion to approve the minutes of the February 28, 2024 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 28, 2024 MEETING. MR. RYAN SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter to be heard was the application of **KENNETH J. TEDALDI – 42 QUAQUANANTUCK LANE [SCTM# 902-14-1-13]** appealing the Building Inspector’s Notice of Violation Order to Remedy, dated January 3, 2024, to specifically interpret that Footnote #3 in the Table of Dimensional Regulations, which allows accessory structures on lots in the A-3 Residence District on the “East side of Beach Lane” to have a 40’ street setback rather than 60’, applies to the subject premises in order to permit a one-story garage constructed without a building permit to have with a front yard setback of 45.3’ from Ogden Lane and 41.2’ from Quaquanantuck Lane; or, in the alternative, necessary variances from the provisions of §196-12A (Table of Dimensional Regulations) to permit the detached one-story garage constructed without a building permit with a front yard setback of 45.3’ from Ogden Lane and 41.2’ from Quaquanantuck Lane where 60’ is required; and all other necessary relief as set forth on the survey, last dated March 2, 2022, submitted with the application, on a 49,162 sq.ft. parcel of land located on the southwesterly corner of Quaquanantuck Lane and Ogden Lane in the A-3 Residence District.

Attorney Richard Haefeli was present at the meeting on behalf of the applicant. Mr. Haefeli reviewed the application and said that since the referenced section of the code is ambiguous, the 40 foot setback should be allowed. Mr. Haefeli then submitted to the Board a photo from the Town of Southampton 2022 GIS system. Mr. Haefeli said that he believes that the second garage was

constructed before 1990, which was before the Village adopted the provision to the Code prohibiting a second garage. Because of this Mr. Haefeli believes that the garage should be permitted to remain in place. Ms. Chepiga asked why the garage was built without a permit, as Mr. Tedaldi is an experienced contractor and is familiar with the process. Mr. Haefeli stated that he did not know why the garage was built without a permit, or if the Building Inspector had been consulted about the location of the garage. Mr. Bruyn said that the Beach Lane setback provision has been in place as far back as 1949. There was discussion of the legislative intent of this provision and the properties it applies to. Mr. Tolley said that this provision applies to properties only the east side of Beach Lane, not all the way to Ogden Lane. He further noted that the 40 foot setback has not applied to the houses on Ogden Lane. Mr. Haefeli said his interpretation includes Mr. Tedaldi's property, as it is east of Beach Lane. Mr. Peffier said that the provision includes the properties on the *east side* of Beach Lane, *not to the east* of Beach Lane. Ms. Chepiga asked if Mr. Haefeli would like to submit any additional information for the Board to consider regarding the alternate variance request. Mr. Haefeli said that this will not change the character of the neighborhood, and that he did not feel that this was self-created as Mr. Tedaldi interpreted the Code to allow for a 40 foot setback. He added that there is no environmental impact and there is no alternative as the garage has been in place for a very long time. Ms. Chepiga asked for some sort of documentation of the process that Mr. Tedaldi relied on to determine that the garage was in a conforming location. Mr. Bruyn said that a variance to keep the second garage has not been requested, but is needed, as the garage cannot be considered pre-existing non-conforming because it was built without a permit. Mr. Haefeli said they can attach this garage to the house if necessary. Mr. Bruyn asked for a plan to be submitted for this. Ms. Chepiga asked if anyone else would like to be heard. As no one did, she asked for a motion to adjourn to the next meeting.

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

3. The last matter on the agenda was the application of **LESLEY KYD-REBENBURG – 93 OLD DEPOT ROAD [SCTM# 902-9-3-22]** for a variance from the provisions of §196-12A (Table of Dimensional Regulations) to permit the construction of a detached one-story garage with a southerly side yard setback of 10' where 25' is required; and all other necessary relief as set forth on the plans and survey submitted with the application, on a nonconforming 43,461 sq.ft. parcel of land located on the westerly side of Old Depot Road, approximately 397' northerly of Midland Street in the A-3/A-5 Residence Districts.

Attorney Kittric Motz and Architect Tim Ganetis were present at the meeting. Ms. Motz said that she has submitted documentation regarding the location and access to the septic system, and that access will not be an issue. She next referred to the photos of the interior of the storage building that were submitted. Mr. Bruyn said the Certificate of Occupancy from 7/30/2010 refers to this building as a garage and storage building. Ms. Motz said the updated Certificate of Occupancy from 2020, when the property was sold, refers to this structure as a storage building with an outdoor shower. Mr. Peiffer thought that this must have been issued in error as the building is too big to be considered a storage building. He further noted that air conditioning has been added to this building, and looks like it is being used as a pool house. Ms. Motz said if air conditioning was added, it will have to be removed. Mr. Tolley asked if the building could be

renovated to be used as a garage/pool house? Ms. Motz said that they would need more height to put the lift in. Ms. Motz added that her clients relied on the Certificate of Occupancy which says that this structure is a storage building when they bought the property. Mr. Peiffer stated that this is a substantial variance request. Mr. Ryan said the variance requested is significant and other alternatives should be explored. Ms. Motz said that the location was chosen to preserve the existing mature landscape, and that the neighbors are not in opposition. There was discussion of possibly moving the proposed garage or shrinking it in size. Mr. Bruyn said the improvements to the interior of the building are not customary for a storage building. Ms. Motz said that this is the way the structure was when it was purchased, and there are no practical alternatives. Ms. Chepiga asked if anyone else would like to be heard, as no one did, she then asked for a motion to keep the record open for additional information and adjourn to the next meeting.

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

There being no more business, Ms. Chepiga adjourned the meeting.

Denise Michalowski
Deputy Village Clerk

Date