

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY MAY 29, 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

**Members present by ZOOM:** Ed Tolley, Geoff Judge, Alternate Member George Sard

**Others present in person:** Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Kittric Motz, Paul DiLandro, Jeffrey DiLandro, Rocco Lettieri, David Kepner, Joshua Rosensweig, David Griffin, John Bennett, Jennifer Costa, Frank Berry, Michal Berry, Mehran Ayati

**Others present by ZOOM:** Frank Capone, Carolina Capone, Sy Cohen, Jim Coster, Joan McGivern

**1.** Ms. Chepiga took a roll call, and noted that Mr. Tolley, Mr. Judge and alternate member Mr. Sard were participating in the meeting by ZOOM. She asked for a motion to approve the minutes of the March 27, 2024 meeting.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 27, 2024 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**2.** The first matter to be heard today was the application of **MONTAUK HIGHWAY QUOGUE LLC at 45 MONTAUK HIGHWAY [SCTM# 902-3-4-72]** for necessary variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) to permit the construction of a new 1-story 1,940 sq.ft. medical office building with habitable basement with a side yard of 7.7’ measured from the westerly property line where 25’ is required; (2) §196-12A (Table of Dimensional Regulations) to permit the construction of a new 1-story 1,940 sq.ft. medical office building with habitable basement with a total side yard of 35.5’ where 50’ is required; and all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a 32,497 sq.ft. parcel of land located on the northerly side of Montauk Highway (CR 80), approximately 578’ west of Old Meeting House Road in the B-2 Business District.

Ms. Chepiga noted that Village Attorney Wayne Bruyn has recused himself from this matter.

Applicant Paul DiLandro was present at the meeting, and reviewed the application. Mr. DiLandro said that this is a non-conforming lot that they are proposing to develop with two commercial buildings, one building in full compliance, and one smaller one story building utilizing the existing side yard set-backs. Mr. DiLandro explained that the proposed project is in alignment with the character of the neighborhood, and would be an aesthetic improvement to the current condition of the property. He added that this request is not substantial, there are many other buildings in the area with side yard encroachments, and there would be no adverse environmental impact. Ms. Chepiga noted that a letter has been received from neighbor Mr. Capone regarding the landscape plan. Mr. DiLandro said that they are planning to buffer the building from the residential area, but the plans are not yet complete. Mr. Nowak said he believes that there is a 25 foot transitional buffer, and the Planning Board may require some solid fencing. Mr. DiLandro said that this matter will be going back to the Planning Board and that the landscaping issue will be addressed. Ms. Chepiga asked if the medical building would be a 24 hour facility, and Mr. DiLandro confirmed that it would not be. Mr. DiLandro said the back building will have professional tenants. Ms. Chepiga asked if Mr. DiLandro could contact neighbor Frank Capone by telephone and let him know that the only matter before the Zoning Board today is the variance request, and that the landscaping issue will be addressed by the Planning Board. David Kepner asked to speak. Mr. Kepner said that he is in support of this project. Ms. Chepiga asked if anyone else would like to be heard, and no one came forward. Ms. Chepiga said they will come back to this matter later in the meeting.

**3. The next matter to be heard was the application of CHARLES & WENDY HAMMER at 3 BARKER LANE [SCTM# 902-7-1-28] for necessary variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) to permit an expansion of a rear covered porch with a rear yard setback measured from the northerly property line of 60.7' where 70' is required; (2) §196-49 in order to permit the reconstruction/remodeling and additions to a single family dwelling to allow a gross floor area of 5,187 sq.ft. where a maximum of 4,930 sq.ft. is permitted; and (3) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, 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.**

Builder Rocco Lettieri and owner Charles Hammer were present at the meeting. Mr. Lettieri explained that they had been before the Board a few months ago with a larger gross floor area request. He said this revised plan reduces the gross floor area requested, and they also are looking to renew a previously granted variance for the rear porch. Ms. Chepiga read an email that had just been received from neighbor Mrs. Torpe of 21 Quogue Street. The letter expressed concerns regarding the second floor area, and addressed landscaping and possible less obtrusive alternatives. Mr. Lettieri said the existing roof top deck will be covered off the master bedroom, expanded and converted to livable space on the west side only. Mr. Lettieri added that they had been in contact with these neighbors and have agreed to put trees in the front, and that there are already substantial trees in the back. Mr. Lettieri said this revised request is actually a less intense alternative to the neighbors. Ms. Chepiga asked if anyone present had any questions, and no one did. Ms. Chepiga asked for a motion to close the record, and adjourn for written decision at the next meeting.

**MR. PEIFFER MADE A MOTION TO CLOSE THE RECORD AND ADJOURN FOR WRITTEN DECISION, MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

4. The next matter to be heard today was the application of **JAMES & JENNIFER COSTER at 39 DUNE ROAD [SCTM# 902-13-1-3]** for necessary variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) to replace an existing one-story, 2,304 sq.ft. dwelling with a new two-story, 4,085 sq.ft. dwelling with a covered front porch, elevated rear deck with rear screen porch and roof overhangs/eaves with a front yard setback measured from Dune Road of 29.9' where 30' is required; (2) §196-12A (Table of Dimensional Regulations) to permit the new dwelling to have a side yard setback measured from the easterly property line of 10.5' from the walls and 7.5' from the eave where 25' is required; (3) §196-12A (Table of Dimensional Regulations) to permit the new dwelling to have a total side yard 56.4' measured from the eaves where 60' is required; (4) §196-12A (Table of Dimensional Regulations) to permit the new dwelling to have a rear yard setback measured from the northerly property line along the Quogue Canal of 19.5' from the walls and 16.5' from the eave where 50' is required; (5) §196-13E to permit the new dwelling to have a setback measured from the existing bulkhead and boat slip of 15.6' from the walls and eave and 11.9' to steps attached to the dwelling where 50' is required; (6) §196-13E to permit an elevated rear deck to have a setback measured from the existing bulkhead along the Quogue Canal of 20.9' and from the boat slip of 10.4' where 50' is required; (7) §196-13E to permit an existing flagpole to be maintained with a setback measured from the existing bulkhead along the Quogue Canal of 6' and from the boat slip of 8' where 50' is required; (8) §196-49 in order to permit the new dwelling to have a gross floor area of 4,085 sq.ft. where a maximum of 2,764.2 sq.ft. is permitted; (9) §196-12A (Table of Dimensional Regulations) to permit the construction of the new dwelling and accessory structures with a lot coverage of 24.67% where 20% is required; (10) §196-48A to permit the new dwelling to have an elevation of 39.9' where the maximum height of 16' in the required yards allows an elevation of 18.9'; and (11) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a nonconforming, 13,034 sq.ft. parcel of land located on the northerly side of Dune Road, approximately 1,070' west of Beach Lane in the A-2 Residence District.

Attorney Kittric Motz, Architect Mehran Ayati, and property owner Jennifer Coster were present for the application. Ms. Motz reviewed the application and said this is a 13,034 sq. ft. property, which is improved with a one story house that floods constantly and needs to be raised. Ms. Motz said the owners are proposing to demolish the current residence and construct in its place a two story house on a slightly decreased footprint. She added the house will need height relief in a required yard because of the flood zone. Ms. Motz said they will be adding a new septic system, and while this is the best location for that, it will require the house to be built further from the road. She noted that they already have been granted Suffolk County Health Department approval. Ms. Motz said that the proposed footprint is almost 14% smaller than the existing footprint, and the additional gross floor area arises from the second floor. Ms. Motz added that the proposed lot coverage will be 24.6%, which is a decrease from the current 27.06%, and at one point an approved survey showed 34%. Mr. Bruyn asked for some additional

information about the previous ZBA decision which granted a lot coverage variance, and what has changed on the property since that decision. Ms. Chepiga asked for questions from the Board. Mr. Judge asked for confirmation of the 4,085 sq. ft. in gross floor area. Mr. Tolley asked if other houses in the area have gone over gross floor area to the extent of a 48% increase. Ms. Motz said she does not believe so, but that she believes this is a special circumstance because of the small size of the property, the location of the water, and the matter of the second floor addition. Mr. Judge asked if Ms. Motz could find out the square footage of 41 Dune Road. Mr. Bruyn and Mr. Tolley asked for information on the square footage of other properties in the area to see if there is any precedent. Mr. Ryan said he was concerned about the large increase to square footage. Ms. Chepiga asked for questions from the public. Mr. Cohen, of 41 Dune Road, expressed concern that this expansion is too high and large, and will distort the view of the water from his house. He said the house looks like a three story house and that he is opposed to this application. Ms. Motz asked Mr. Cohen how many stories his house has. Mr. Cohen answered that his house is two stories above the pilings, and is approximately 3,700 sq. ft. on .45 of an acre. Ms. Motz next submitted the Suffolk County Health Department approval. Ms. Motz asked that this application be adjourned to the next meeting.

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

5. The Board next returned to the application of **45 Montauk Highway**. Mr. DiLandro said he has spoken to neighbor Mr. Capone, and explained to him that the screening and landscaping matters will be addressed in the near future with the Planning Board. Mr. DiLandro said the neighbor seemed satisfied with the conversation. Ms. Chepiga asked for a motion to approve this request with the understanding that the application will next go before the Planning Board.

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

6. The next matter on the agenda was the application of **67 QUOGUE ST. LLC at 67 QUOGUE STREET [SCTM# 902-10-2-55]** for necessary variances from the provisions of: (1) §196-3H to permit a change from one nonconforming use to another nonconforming use, to wit: to change the use of the property from a multi-family use with three (3) preexisting, nonconforming detached dwellings to a multi-family use with two (2) new detached dwellings; (2) §196-13A to permit the modification and alterations of the property for a use other than one one-family dwelling; (3) §196-7B to permit the floor area used for living quarters of the three preexisting dwellings to be distributed between the two new dwellings and to permit an increase in the floor area to not exceed the maximum allowed for the property; and (4) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a nonconforming, 43,551 sq.ft. parcel of land located on the southerly side of Quogue Street, approximately 340' east of Beach Lane in the A-3 Residence District known as 67 Quogue Street.

Ms. Chepiga noted that Mr. Tolley has an interest in this property and will be recusing himself, and that Mr. Sard will be a voting member in his absence.

Attorney John Bennett and Architect Josh Rosensweig were present at the meeting on behalf of the applicant. Mr. Bennett reviewed the application and explained that this project will decrease the non-conformities currently existing on this property. He noted that the dwellings on the property will decrease from three to two, which will significantly reduce the density. Mr. Bennett added that they are not looking for any gross floor area relief, and that the structures will be dimensionally conforming. Next, Mr. Bennett reviewed the chart of changes that had been submitted. Mr. Bennett added that the septic will be updated to a new IA system. Ms. Chepiga asked if these dwellings will be used as rental properties. Mr. Bennett said one of the houses may be used as a rental, or may be used by family members. Ms. Chepiga asked if they have heard from any neighbors. Mr. Bennett said that they have not. Ms. Chepiga asked for questions from either the Board or the public. Mr. Bruyn asked if the two towers were being removed, and for clarification on the south wing. Mr. Rosensweig said yes, the towers were being removed, and reviewed the property.

**MS. CHEPIGA MADE A MOTION TO CLOSE THE RECORD, AND TO ADJOURN THIS MATTER TO THE NEXT MEETING FOR WRITTEN DECISION. MR. RYAN SECONDED THE MOTION, AND IT WAS UNANIMOUSLY CARRIED.**

7. The next matter was the holdover application of **KENNETH J. TEDALDI at 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.

Mr. Bruyn noted that the record on this matter had been left open, and that the Board has received a letter from attorney Mr. Haefeli. The letter said that he had no further information to submit, and that he had no application to the record being closed.

**MS. CHEPIGA MADE A MOTION TO CLOSE THE RECORD ON THIS MATTER, MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

**MS. CHEPIGA NEXT MADE A MOTION TO APPROVE THE WRITTEN DECISION THAT HAS BEEN PREPARED, AND REVIEWED BY THE BOARD. MR. RYAN SECONDED THE MOTION AND THE MOTION WAS UNANIMOUSLY CARRIED.**

8. The next matter on the agenda was the application of **2 OLD DEPOT ROAD, LLC** at **2 OLD DEPOT ROAD [SCTM# 902-1-1-10.1]** (Chris Brody, as Contract Vendee/Applicant), appealing the decision of the Building Inspector, dated April 3, 2024, wherein the Building Inspector determined that the Applicant's proposed bulk propane fuel storage and distribution facility is not a non-nuisance industry and is a prohibited use. The Applicant seeks to construct a bulk propane fuel storage and distribution facility consisting of an approximately 3,000 sq.ft. building to be used as an office with maintenance and storage, three 30,000 gallon underground propane storage tanks with loading station, an approximately 1,225 sq.ft. concrete pad for open tank storage, 12 paved offstreet parking spaces and an approximately 16,350 sq.ft. stone blend parking area for tank trucks and other service vehicles on a 54,834 sq.ft. parcel known as 2 Old Depot Road, located on the southeasterly corner of Old Country Road and Old Depot Road.

Ms. Chepiga noted that the applicant's attorney has requested an adjournment to the July meeting.

**MS. CHEPIGA MADE A MOTION TO ADJOURN THIS MATTER TO THE JULY MEETING. MR. PEIFFER SECONDED THE MOTION AND THE MOTION WAS UNANIMOUSLY CARRIED.**

9. The last matter to be heard was the holdover matter of **LESLEY KYD-REDENBURG** at **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 was present for the applicant and asked for an adjournment to the June or July meeting, as this application is being amended and will need to be re-advertised.

**MR. RYAN MADE MOTION TO ADJOURN TO A FUTURE MEETING, MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

10. Ms. Chepiga set the date of the next meeting to Wednesday, June 26, 2024 at 3pm.

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

---

Denise Michalowski  
Deputy Village Clerk

---

Date