

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY JUNE 26, 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, Ed Tolley, Brendan Ryan, Bruce Peiffer

**Members present by ZOOM:** 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, Wendy Hammer, Solomon Cohen, Jen Coster, James Coster, Mary Louis, Joan McGivern, Mehran Ayati

1. Ms. Chepiga took a roll call, and noted that 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 May 29, 2024 meeting, and set the date of the next meeting to July 31, 2024 at 3pm.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE MAY 29, 2024 MEETING. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2. The first matter to be heard was the application of **MARY T. LOUIS at 64 JESSUP AVENUE SCTM# 902-3-4-79** for necessary variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) to legalize an existing slate patio located to the rear of the existing dwelling with a side yard setback of 5.8' measured from the northerly property line where 25' is required; (2) §196-12A (Table of Dimensional Regulations) to legalize an existing slate patio located to the rear of the existing dwelling with a side yard setback of 19.3' measured from the southerly property line where 25' is required; (3) §196-12A (Table of Dimensional Regulations) to legalize two existing air conditioning units located along the southerly side of the existing dwelling with side yard setbacks of 22.2' and 22.5' where 25' is required; (4) §196-12A (Table of Dimensional Regulations) to permit the construction of a new 16' by 32' inground swimming pool with side yard setbacks of 22' measured from the northerly property line and 21.6' measured from the southerly property line where 25' is required; (5) §196-12A (Table of Dimensional Regulations) to permit the construction of pool equipment with a side yard setback of 10' measured from the southerly property line where 25' is required; and (6) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a nonconforming 11,794 sq.ft. parcel of land located on the easterly side of

Jessup Avenue, approximately 249' north of Montauk Highway (C.R. 80) in the B-2 Business District.

Attorney Kittrich Motz and owner Mary Louis were present at the meeting. Ms. Motz reviewed the application and explained that the Board had previously granted relief for the same size pool in 2001, but the pool was never constructed. Ms. Motz referenced photos of mature landscaping surrounding the property. Ms. Motz added that all four neighbors have submitted letters of support for this application. Mr. Peiffer asked why the pool had not been constructed. Ms. Motz explained that the builder was granted the variance, and then sold the property to Mr. and Ms. Louis. Mr. Peiffer asked what the shed is used for. Ms. Motz said it is for gardening supplies, and there is a sink and an outdoor shower. Mr. Tolley asked if there are any feasible alternatives. Ms. Motz said there are not, due to the size of the building envelope. Ms. Chepiga asked if the pool area could be decreased. Ms. Motz said the pool is the same size as what was granted by the Board in 2001, just moved slightly back. Ms. Chepiga asked if anyone would like to be heard. There was no response, and Ms. Chepiga asked for a motion to approve this application.

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

**3.** The next matter to be heard was the holdover 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.

Rocco Lettieri was present at the meeting. Ms. Chepiga said the record had been closed, and the Board has reviewed the draft decision. She asked for a motion to approve the written decision.

**MR. PEIFFER MADE A MOTION TO APPROVE THE WRITTEN DECISION. MR. RYAN SECONDED THE MOTION. MS. CHEPIGA AND MR. JUDGE VOTED IN FAVOR OF THE DECISION AND MR. TOLLEY WAS OPPOSED. THE MOTION WAS CARRIED FOUR TO ONE.**

**4.** The next matter was the holdover 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 Ms. Motz and applicants, Mr. and Mrs. Coster were present at the meeting. Ms. Motz reviewed her submission of June 21, 2024. Ms. Motz said that the SC Dept of Health approval also has been submitted. She next explained that they have reduced the width of the porch from 8 feet to 5 feet, which allows the wall of the house to be closer to the street, but not the porch, because of the location of the sanitary system. She continued that the rear deck has been reduced from 14 feet to 12 feet, and the screen porch has been eliminated. Ms. Motz added that all eaves have been reduced from 3 feet to 18 inches, which reduces the GFA to 3,918 square feet, and the lot coverage has been reduced to 23.22%. Ms. Motz said that the elevated deck will have very little, if any, obstruction of view to the neighbors. Ms. Motz next reviewed the GFA of the neighboring properties of 35, 41, 43 & 67 Dune Road. Mr. Tolley asked if the scope of these comparisons could be expanded to show a larger area comparison of GFA and lot coverage. Mr. Peiffer said he would also like to see if these were variances granted by the Board, or if they were pre-existing circumstances. Mr. Tolley said that the new reduced requested GFA percentage exceeds the other GFA percentages of homes in the area. Ms. Motz reviewed the history of the lot coverage of this property. She said that the 1969 ZBA decision indicated no excess lot coverage, but in 2001 the ZBA variance granted showed a survey with proposed 35% lot coverage. She added that the Certificate of Completion from 2013 indicated a 27.1% lot coverage. This certificate was issued for repairs needed from damage from super storm Sandy. Ms. Motz next addressed the letter from the neighbor's attorney. She said that the deck proposed and existing decks are at the same height, and that Mr. Cohen's deck is the same height and has a railing around it which needs to be looked past to see the water. Mr. Tolley said that the existing

home is being demolished, and the new house is being constructed 15 feet into the rear yard in Mr. Cohen's view. Mr. Tolley asked if the porch could be eliminated or if the house could be shifted to the south or west. Ms. Motz said the porches are necessary to get access to the house. She added that removing the porch would not change the GFS numbers because it is an open porch. Ms. Motz said that to her understanding, the sanitary systems need to be in this proposed location, but she will explore shifting the house to the west. Ms. Motz said that constructing a patio instead of the porch is not really feasible as they would have to climb down the steps with all of the cooking and food items, and they would have no privacy. She added that Mr. Cohen's deck obscures the view of 43 Dune Road. Attorney Joan McGivern, representing neighbor Samuel Cohen, spoke next. Ms. McGivern said that many houses do not have porches to the entrance, just steps to enter the house. Ms. McGivern said that if the deck was moved landward it wouldn't encroach as much. Mr. Tolley asked if the rear yard setback remained the same at 43.3 feet from the bulkhead, and the second story and elevated deck were built, would that be acceptable? Mr. Cohen spoke next. He expressed concern about his view being obstructed by this new deck, and suggested a patio be built instead. Mr. Cohen said he believes that to his knowledge, his house did not need a variance. Mr. Bruyn asked if Mr. Cohen could submit pictures of the existing view, and asked how Mr. Cohen determined that his view would be obstructed. Ms. McGivern said they will provide pictures of the line of sight. Mr. Cohen said he would be agreeable to the construction if the rear yard setback remained the same as it is now. Ms. Motz said that Mr. Cohen's house does have a variance for lot coverage and setbacks, which was obtained after construction. Ms. Motz added that the architect provided the information for Exhibit 9. Ms. Motz said she will provide the Board with expanded information about the neighborhood, and they will explore the option of moving the sanitary system and moving the house closer to the road. Mr. Bruyn asked if the northeast bump out area could be explained, as this area puts this structure into the AE9 Flood Zone. Mr. Bruyn thought there could be alternative to this design. Mr. Nowak asked if two or three feet of freeboard was being proposed, as that could have an impact on the deck, and the view from it. Ms. Motz said three feet is being proposed. Ms. Motz asked the Board to consider the fairness of Mr. Cohen opposing this deck, when his deck obstructs his neighbors view. Ms. Motz handed out a page to the Board that showed the primary setbacks to the eaves. Ms. McGivern asked if the applicant could consider moving the house to the south west. Ms. Motz asked that this matter be adjourned to the next meeting.

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

5. The next matter was the holdover application of **2 OLD DEPOT ROAD, LLC** at **2 OLD DEPOT ROAD [SCTM# 902-1-1-10.1]** (Chris Brody, as Contract Vendee/Applicant), Application 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 this matter has been requested to be adjourned to the next meeting.

6. The next matter to be heard was the holdover application 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.

Ms. Chepiga noted that this matter has also been requested to be adjourned to the next meeting.

7. The last matter to be heard was the holdover 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.

Mr. Tolley recused himself and left the meeting. Ms. Chepiga said that Mr. Sard will be a voting member in this matter in his place. Ms. Chepiga said a draft decision has been reviewed by the Board and asked for a motion to approve the decision.

**MR. RYAN MADE A MOTION TO APPROVE THE WRITTEN DECISION, MR. SARD SECONDED THE DECISION. THE DECISION WAS UNANIMOUSLY CARRIED.**

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

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Denise Michalowski  
Deputy Village Clerk

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Date