

**VILLAGE OF QUOGUE  
ZONING BOARD OF APPEALS  
WEDNESDAY SEPTEMBER 4, 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, Geoff Judge, Alternate Member Richard Langan, Jr.

**Others present in person:** Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Kittric Motz, Solomon Cohen, Joan McGivern, Jennifer & Jim Coster, Robert Kelly, Lesley & Georg Kyd-Rebenburg, Timothy Ganetis

**Others present by ZOOM:** Sandra Levy, John Ledermann

1. Ms. Chepiga took a roll call, and noted that all Board members are present in person at the meeting. She asked for a motion to approve the minutes of the July 31, 2024 meeting, and set the date of the next meeting to October 23, 2024 at 3pm.

**MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE JULY 31, 2024 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.**

2. The first matter to be heard today was the application of **JOHN MENSCH - 63 JESSUP AVENUE [SCTM# 902-3-2-31.2]** for variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) in order to legalize the construction of a stone pool patio constructed with a 18.6' setback from the southerly property line where 25' is required; (2) §196-12A (Table of Dimensional Regulations) to legalize the construction of the patio and other improvements on the property with a lot coverage of 20.07% where 20% is required; and (3) all other necessary relief as set forth on the plans and survey submitted with the application, on a 39,049 sq.ft. parcel of land located on the westerly side of Jessup Avenue, approximately 436' south of Old Meeting House Road in the A-9 Residence District.

Attorney Robert Kelly was present at the meeting for the applicant. Mr. Kelly reviewed that the applicant received a variance in 2015 for a two story house addition 15 feet from the property line. This addition was never built, but a pool house, shed, outdoor fireplace and a pool patio were constructed. The patio was constructed 18.6 feet from the southerly property line, where 25 feet is required, and lot coverage is currently at 20.07% (28 square feet of overage), both of which require a variance. Mr. Kelly explained that this property abuts a business zoned property parking lot, and trees were planted along the fence line. He said that the pool company assumed that this was the property line, and this caused the error to be made. Mr. Kelly said that when the

updated survey was submitted to the Building Department, the error was discovered. Mr. Kelly added that this is a very well screened area, and has no effect on the neighborhood. He further added that it is a minimal request, and that is not out of character of the area. Ms. Chepiga asked when the patio was built. Mr. Kelly replied that the building permit was obtained in 2015, and then renewed in both 2017 & 2018. Mr. Kelly confirmed that both the shed (which is noted on the survey as another pool house) and the pool house air conditioner have both been removed. Mr. Peiffer expressed his concern about the lot coverage being over 20%, and asked why couldn't they remove the portion of the patio that encroaches in the set back, and then both problems would be solved. Mr. Kelly said that the patio would not be symmetrical if that was done. Mr. Tolley asked for a breakdown of the lot coverage for each of the structures. Mr. Tolley further noted that the driveway on the south side encroaches on the Otis property. Mr. Kelly said that this has been this way for a long time, as is the case with many other properties in the Village. Mr. Kelly added that Mr. Otis is aware and does not have a problem with this. Mr. Tolley said that the deer fence that is being used as the pool enclosure is also encroaching in the neighbor's property. Mr. Nowak added that a pool enclosure must be on the same property as the pool in order for it to be in compliance. Mr. Bruyn said there are two encroachments into the neighbor's property: one near the driveway apron, of about 1 foot, and the other is about 7.4 feet by the parking area. Mr. Ryan said that he believes that the lot coverage overage can be remedied without a variance. Mr. Kelly asked that this matter be adjourned until the next meeting. Ms. Chepiga asked if anyone would like to be heard and no one came forward, and the matter was adjourned to the October meeting.

3. The next matter to be heard today was the re- noticed application of **JAMES COSTER & JENNIFER COSTER – 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, 3,465 sq.ft. dwelling with a covered front porch, elevated rear deck and roof overhangs/eaves with a front yard setback of 28.1' measured from the front porch, 28.5' from the covered entry, 31.2' from the eaves and 33.0' from the dwelling walls to Dune Road 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 9.0' from the eaves and 10.5' from the dwelling walls where 25' is required; (3) §196-12A (Table of Dimensional Regulations) to permit the new dwelling to have a total side yard 59.4' 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 35.2' from the dwelling walls and 33.7' from the eaves 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 17.6' from the dwelling walls and 15.1' from the eave and 11.9' from the steps attached to the dwelling where 50' is required; (6) §196-13E to permit a 12' wide elevated rear deck to have a setback measured from the existing bulkhead along the Quogue Canal of 23.3' and from the existing boat slip of 9.9' where 50' is required; (7) §196-13E to permit an existing flagpole to be maintained with a setback of 6' measured from the existing bulkhead along the Quogue Canal and 8' from the boat slip where 50' is required; (8) §196-49 in order to permit the new dwelling to have a gross floor area of 3,465 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 23.24% 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 (12) 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 and applicants Jennifer & Jim Coster were present at the meeting. Ms. Motz reviewed the amended submission. She said that they cannot move the house to the west, as the sanitary system cannot be moved closer to the water because of grading issues. Ms. Motz said this is a unique property and this project would be in keeping with the character of the neighborhood. Attorney Joan McGivern spoke next, and reviewed her letter that had been submitted to the Board. Ms. Motz reviewed other GFA variances in the Village that have been granted. Mr. Judge asked the dimensions of the deck. Ms. Motz replied that it is 12 feet by 56 feet, reduced from 14 feet. Mr. Tolley asked why the house cannot be built in the original setback from the water, as he has brought up in past meetings. Ms. Motz said that they can't build in the original setback because of the location of the sanitary system. The matter of decreasing the size of the house to fit in the original setback from the water was discussed. The possibility of adding a retaining wall for the sanitary system was discussed next. Mr. Nowak said that adding a carport could increase parking on the property without adding to the GFA. Mr. Nowak questioned the freeboard being proposed at 12 feet 9 inches, where 11 feet is the minimum required. Ms. McGivern said if they were looking at alternatives, they could consider reducing the front porch, and lowering the back deck. Mr. Coster said he has explored the possibility of a retaining wall with the Engineer, and was told that it was not possible because of the sanitary system. Mr. Cohen said that he was not given any notice nor has he had communications with the Costers regarding this project. Engineer John Ledermann joined the ZOOM call. He explained that the least impactful and most economical way to install the septic system is to raise the grade of the septic system, and feather back down to natural grade. Mr. Ledermann said the retaining wall option would only be beneficial if they could get the walls high enough to a point where they could remove the pump component and convert the system to a gravity fed leeching structure. He continued that in order to do that, they would need to raise the site up 7 or 8 feet. Mr. Ledermann said even if the 7 or 8 foot retaining wall could be constructed, which is unlikely because of the offset requirements, it would require a large footing or a sheet pile wall. He said this would be extremely expensive and would cause vibrations to the neighbors, as well as other issues that arise in this type of construction so close to a building. Mr. Ledermann said that the retaining wall option would not be beneficial or a feasible alternative, as it would overall give less buildable space for the septic system than what is being proposed. Mr. Ledermann shared his screen showing the property plan. He explained that they are required to stay 10 feet away from the water main, and they do not know exactly where this is, and then he discussed the issues with the grading. Mr. Ledermann said this is the most compact system that can be provided for this site. Mr. Nowak explained that it is allowable to have a 2 foot high retaining wall on the property line, as long as the entire footing for the septic system wall is on the subject parcel. Mr. Ledermann reviewed the 10 foot offset issue and said that the retaining wall is not a feasible alternative. Ms. McGivern asked for the opportunity to

consult another Engineer and submit to the Board any additional information. Ms. Chepiga said they will close the record except for additional information from the requested Engineer consultation, and to give Ms. Motz a chance to respond to this information. Ms. Chepiga asked Ms. McGivern to submit her information to the Board by September 25th, and Ms. Motz will then have until October 9<sup>th</sup> to respond. Ms. Motz said she will submit to the Board the plans that Mr. Ledermann showed on his screen and discussed. This matter was adjourned to the next meeting.

4. The next matter to be heard was the holdover application of **LESLEY KYD-REBENBURG – 93 OLD DEPOT ROAD [SCTM# 902-9-3-22]** for variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) in order to permit the construction of a 25' by 14' detached one-story garage with a southerly side yard setback of 10' where 25' is required; (2) §196-13G to allow the conversion of an existing, nonconforming 20' by 20' (400 sq.ft.) detached storage building (formerly a garage) to a pool house where conversion of a nonconforming accessory structure is prohibited; (3) §196-13B(4) to allow the conversion of an existing, nonconforming 400 sq.ft. detached storage building (formerly a garage) to a pool house where the maximum floor area of a pool house is 250 sq.ft.; and (4) 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 applicants Lesley & Georg Kyd-Rebenburg were present for this application. Ms. Motz reviewed that the proposed garage does not need street setback, and that the Design Review Board has found the design of the garage acceptable. She added that the neighbor most affected has written a letter stating that they do not have any object to this application. Ms. Motz said that if the variance was granted only one mature tree would have to be removed and relocated. Ms. Motz next discussed the possibility of the driveway being located in the back of the property. She noted that this would cause mature trees, which give privacy, and mechanical equipment to have to be removed. She felt this option would also have a detrimental effect on the monetary value of the property. Ms. Motz noted that the applicants would be removing the existing air conditioning in the current storage building and would like this building classified as a pool house, and to be given permission to construct the proposed detached garage. Ms. Motz further noted that 9 Deerfield East was given a variance to construct a three car garage in a front yard, and that 11 Woodedge Drive was granted a ten foot side yard setback was granted for a front yard garage. Mr. Bruyn asked for copies of those decisions be submitted to the Board to review. Mr. Nowak noted that 9 Deerfield East is located off CR 104. Ms. Motz added that none of the neighbors have expressed opposition. Ms. Motz next discussed the pool house variance that was granted at 106 Old Depot Road. Ms. Chepiga said as no one else has come forward to be heard, the Board would like to close the record for written decision, except for the ZBA decisions discussed. Ms. Kyd-Rebenburg discussed other front yard garages in the area, and said her neighbor has no objection. This matter was adjourned.

5. The next matter to be heard was the holdover application of **6 BEACH LANE LLC – 6 BEACH LANE [SCTM# 902-10-2-64.1]** for variances from the provisions of: (1) §196-22B in

order to legalize the construction of a solid retaining wall erected at a height of 2.5' above the natural grade along the southerly property line where a solid wall cannot exceed 2' unless the wall provides the required 40% visibility; (2) §196-12A (Table of Dimensional Regulations) in order to legalize the construction of a 2.5' solid retaining wall erected with a 0' setback from the southerly property line where 25' is required; (3) §196-22B in order to legalize the construction of a 6' solid stockade fence on top of a berm along the southerly property line where a solid fence cannot exceed 2' unless the fence provides the required 40% visibility; (4) §196-22D in order to legalize the construction of a 6' solid stockade fence on top of a berm along the southerly property line where the height of the fence exceeds 6' measured from natural grade; (5) §196-21.1C in order to legalize the construction of a 6' solid stockade fence on top of a berm where the construction of a fence on top of a berm is prohibited; (6) §196-12A (Table of Dimensional Regulations) in order to legalize the construction of a 6' solid stockage fence erected with a 0' setback from the southerly property line where 25' is required; and (3) all other necessary relief as set forth on the plans and survey submitted with the application, on a 51,140.29 sq.ft. parcel of land located on the east side of Beach Lane in the A-3 Residence District.

This matter was adjourned to the next meeting at the request of the applicant.

6. The last matter to be heard was the holdover application of **2 OLD DEPOT ROAD, LLC** at **2 OLD DEPOT ROAD [SCTM# 902-1-1-10.1]** (Christopher 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.

This matter was adjourned to the next meeting for written decision.

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

Denise Michalowski  
Denise Michalowski  
Deputy Village Clerk

10/23/24  
Date

