

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY DECEMBER 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: Acting Chairperson Ed Tolley, Brendan Ryan, Bruce Peiffer, Alternate Member Richard Langan, Jr.

Member present by ZOOM: Chairperson Pamela Chepiga, Geoff Judge

Others present in person: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Jeff Butler, Paul DiLandro, Joan McGivern, Solomon Cohen, Kittric Motz, Jackie Fox, Ellen Polkes, Jonathan Polkes

Others present by ZOOM: Frank Capone, Jennifer Bradley, Chester Murray, Sandra Levy

1. Mr. Tolley took a roll call, and noted that Ms. Chepiga has designated him as Acting Chairperson for this meeting, as she was unable to attend this meeting in person. Mr. Tolley set the date of the next meeting to Wednesday, January 8, 2025 at 3 pm. He then asked for a motion to approve the minutes of the October 23, 2024 meeting.

MR. RYAN MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 23, 2024 MEETING. MR. PEIFFER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter on the agenda 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) §196-22A to permit the construction of a 6' solid, stockade fence along the northerly, easterly and westerly property lines in conjunction with the approval of a site plan for the construction of a new 1-story 1,940 sq.ft. medical office building with habitable space in the basement and a 4,200 sq.ft. non-medical office building with an unfinished basement where the maximum height of a fence is 4'; (2) §196-22B to permit said fences to be solid with 0% visibility (open space) where 40% visibility (open space) is required; and (3) 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.

Mr. Bruyn has recused himself from this matter. Applicant Paul DiLandro was present at the meeting. Mr. DiLandro explained that he is seeking a variance to install a solid six foot fence that will provide additional screening to the neighboring properties. He further noted that this

fencing has been requested by both the neighbors and the Village Planning Board. Jackie Fox, representing the neighbor to the east, stated that they are in support of the six foot solid fence. Mr. Peiffer asked for the material of the fencing. Mr. DiLandro replied that it would be vinyl fencing, in a tan/brownish color. Mr. Peiffer asked if they would consider a wood fence, as he felt it would be more appropriate for the neighborhood. Mr. DiLandro was concerned with the upkeep of wood fencing, as they are planning on planting trees along the fencing, and this may limit access. Mr. Tolley asked if they would consider green fencing as opposed to brown. Mr. DiLandro said he would check with the manufacturer and see if they make the fence in green. He further noted that he was also considering chain link fencing with green slats as an option, similar to the fence at the Quogue Library. Mr. Nowak said that the chain link fence with slats would probably be the best option as far as maintenance. Mr. Ryan said that he felt the fencing should be kept as unobtrusive as possible. The Board decided that the material and color of the fence should be decided by the Planning Board and the Design Review Board. Mr. Tolley asked if anyone present had any further questions or comments. As no one did, he asked for a motion to approve the variance as written, leaving the determination of the color and material to the Planning Board and the Design Review Board.

MR. RYAN MADE A MOTION TO APPROVE THE VARIANCE, MS. CHEPIGA SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.

3. The next matter to be heard was the holdover application of **6 BEACH LANE LLC at 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 stockade 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.

Attorney Kittrich Motz was present at the meeting, and applicant Jennifer Bradley was on the ZOOM call. Mr. Tolley noted that a letter has been received from neighbors Mr. & Mrs. Murray. Ms. Motz said that the Murray's pool equipment is elevated, so the sound travels over and up. Ms. Motz added that while the pool equipment is not being run at night anymore, it is still being run 12 hours per day, and it is impacting Ms. Bradley's home. Ms. Motz said that she

feels this is a reasonable request to protect the property from the noise pollution. Ms. Motz said there is no formal rule in the Village Code prohibiting the berm, and her client is open to alternative materials other than the stockade fence that the neighbors are against. Mr. Tolley noted that the berm requested will be two and a half feet in height, and then would be 6 feet on top, so over eight feet all together in height. Ms. Motz said most of the berm will be two feet, with only a small area being two and a half feet. Mr. Peiffer said that pool equipment noise is a normal fact of life in Quogue, and he is concerned with granting this variance. Mr. Tolley said that everyday noise is not considered a hardship. Ms. Motz said that this pool equipment runs continuously for 12 straight hours every day, and perhaps the elevation of the equipment causes the problem, as she does not have the same problem with the neighbor's pool equipment on the north side of the property. Mr. Ryan said that he feels that the restrictions on fencing are a critical element in the Village, and he thinks that there are other alternatives to this request. Mr. Peiffer said the pool equipment seems like it is far enough away from Ms. Bradley's home. Ms. Motz said she thinks that the noise from the pool equipment reverberates off of the Murray's home and bounces back. Mr. Murray asked if the fence is required to be 25 feet from the property line. Mr. Nowak said that according to Village Code, a fence that is in excess of 4 feet in height, or solid, would be required to meet the 25 foot setback. Mr. Murray said that he thought requesting to put the fence right on the property line is a significant request. He added that they have purchased a sound monitor and have walked around his property with it at all times of the day. He said the ambient sound was unchanged whether they were standing on Beach Lane, or in the back of their property, or directly in front of the pool pump. Mr. Murray added that this is a normal sound that exists all over the Village of Quogue. Mr. Murray said that the fence restrictions are for the protection of the beauty of Quogue, and to grant this request would be setting a negative precedent. Ms. Motz said that the fencing they are proposing is going to be invisible for most of the year, and she feels this is a unique situation that would not be setting a precedent. Mr. Tolley asked if anyone else would like to be heard. As no one came forward, he asked for a motion to adjourn this matter for written decision.

MR. PEIFFER MADE A MOTION TO ADJOURN THIS MATTER FOR WRITTEN DECISION. MR. RYAN SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY GRANTED.

4. The next matter to be heard was the holdover application of **JAMES & JENNIFER COSTER at 39 DUNE ROAD [SCTM# 902-13-1-3]** amended application 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, 3,221 sq.ft. dwelling with a covered front porch, elevated rear deck and roof overhangs/eaves with a front yard setback of 25.6' measured from the street to the front porch, 27.6' to the covered entry, and 30.5' 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 11.1' 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 58.1' measured from dwelling wall and attached air conditioning units 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 36.1' from the dwelling walls 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 18.8' from the dwelling walls and 16.7' 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 25.7' and from the existing boat slip of 8.4' 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 3,221 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 23.40% 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 was present at the meeting for the applicants. She reviewed the project and noted that she has submitted a letter summarizing what has been done to date. Ms. Motz said that each time they move the house closer to the street to minimize the variance, it maximizes the water setback variance request. Ms. Motz said that the neighbor can see completely across his deck with this latest project amendment, and feels they have greatly accommodated their requests. Ms. Motz reviewed surrounding properties GFA and lot coverage variance relief that been granted by the ZBA. Mr. Bruyn asked if a survey with the Health Department design has been submitted. Mr. DiLandro said that they took the proposed house location and updated the septic plan to be a four bedroom septic design. Ms. Motz submitted an updated site plan showing the required drainage, which meets Suffolk County Health Department requirements. Mr. Tolley confirmed that this updated plan moves the house the two and a half feet toward the street. Mr. Bruyn asked that the plan be updated to show the setbacks that are on the Architectural plans. Mr. DiLandro said the set back from the house to the septic system is roughly 13 feet and the Health Department allows for 10 feet. Mr. Tolley said that he is concerned that the house has been moved closer to both the water and the neighbor, yet there is still allowable room to move the house closer to the road. Mr. Tolley said if the porch was narrowed or eliminated, that would allow for more room, and he would like to see the setbacks on the plans. Ms. Motz asked why Mr. Cohen's views are deemed more important than the Coster's views. She added that Mr. Cohen's deck blocks his other neighbor's view. Ms. Motz said they do not want to have the bedrooms so close to the road to avoid the street noise. Mr. Tolley said the neighbor was agreeable to house being in the current existing location. Mr. DiLandro said he will get the exact setback dimensions and update the site plan. Mr. Judge asked about previous variances. Mr. Peiffer asked about the original request for lot coverage and GFA. Ms. Motz said the originally proposed lot coverage was 24.67% and they are now asking for 23.40%. Ms. Motz said the original GFA request was for 4,085 sq. ft., and has now been reduced to 3,221 sq. ft., where 2,764.2 sq. ft. is permitted or a 16.5% coverage. Mr. Ryan said that an undersized lot should not have an oversized house. Ms. Motz said that the other houses

all around the neighborhood are overbuilt. Mr. Judge said that he agrees with keeping the house in the current location, but he feels that since all the other houses in the area also have higher GFAs than the law permits, he would be inclined to grant this request. Mr. Bruyn asked that the site plan be updated with setbacks, and noted that the house is on a diagonal compared with the septic system layout. He added that the porch on the south end corner creates the most of the separation issue between the dwelling and the septic system. Ms. Motz said the further they push the house toward the road, the less view they will have. Mr. Tolley thought perhaps they could rotate the house a bit. Mr. DiLandro said that the Health Department requires the setback from the septic system to be 10 feet from the house, and 5 feet from the porch. Mr. Tolley asked if alternatives with the house rotated could be shown to the Board. Ms. McGivern said that the variances are not being minimized, and noted that there is another 4.5 to 5 feet that the house could be shifted southward. Mr. Cohen said that the current request will block his view by two thirds. He added that he is also concerned that the house is going to be bigger and closer to his house. Mr. Tolley asked if anyone else would like to be heard. As no one did, he asked for a motion to adjourn this matter to the next meeting to allow Ms. Motz to provide the requested information.

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

5. The next matters to be heard were the applications of **(1) LOLA RE HOLDINGS LLC at 91 DUNE ROAD [SCTM# 902-15-1-1]** for variances to permit the alteration of two nonconforming single family dwellings on a parcel with two dwellings identified as “A” and “B” as follows: (1) §196-3D and §196-7C in order to permit the alteration of a 905 sq.ft. one-story dwelling with front covered porch, rear deck with trellis and garage identified as Dwelling “A” by removing the front covered porch and westerly side bedroom and adding a front stoop with step and relocating the propane storage tanks; (2) §196-12B (Table of Dimensional Regulations) to permit Dwelling A after removal of the front porch to remain with a front yard setback measured from Dune Road of 29.2’ and 36.6’ measured from the proposed stoop and steps where 40’ is required; (3) §196-12B (Table of Dimensional Regulations) to permit Dwelling A after removal of the front porch and westerly bedroom to remain with a side yard setback measured from westerly property line of 17.3’ where 40’ is required; (4) §196-12B (Table of Dimensional Regulations) to permit the existing propane storage tanks to be relocated from their existing setback of 13.6’ from the westerly property line adjacent to Dwelling A with a setback of 22.5’ where 25’ is required; (5) §196-3D and §196-7C in order to permit the alteration and relocation of a 1,531 sq.ft. two-story dwelling with covered entry deck identified as Dwelling “B” by lifting the existing dwelling with a first floor elevation of 6.6’ to conform to current FEMA regulations with a first floor elevation of 11.0’ and relocating the dwelling 11.8’ south with addition of a rear elevated deck, new elevated covered front entry deck with steps, and air conditioning platform; (6) §196-47 and §196-48 to permit Dwelling B to be raised to a height at elevation 30.9’ where the maximum height permitted is at elevation 20.6’ in the required front and rear yards; (7) §196-12A (Table of Dimensional Regulations) to permit the relocated Dwelling B to have a rear yard

setback measured from the northerly property line along the Quogue Canal of 41.4' where 50' is required; (8) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck attached to the relocated Dwelling B to have a setback measured from the northerly property line along the Quogue Canal of 29.7' where 50' is required; (9) §196-13E to permit the new rear elevated deck attached to the relocated Dwelling B to have a setback measured from the existing bulkhead and boat slip of 46.2' where 50' is required; (10) §196-12A (Table of Dimensional Regulations) to permit the relocated Dwelling B to have a side yard setback from the easterly property line of 16.2' where 25' is required; (11) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck attached to the relocated Dwelling B to have a side yard setback from the easterly property line of 12.3' where 25' is required; (12) §196-12A (Table of Dimensional Regulations) to permit a new elevated platform and steps on the easterly side of the relocated Dwelling B to have a side yard setback from the easterly property line of 13.9' where 25' is required; (13) §196-12B (Table of Dimensional Regulations) to permit lot coverage of 22.9% where 20.00% is required; and (14) all other necessary relief as set forth on survey, plans and specifications submitted with the application, on a nonconforming 26,081 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 960' west of Post Lane in the A-2 Residence District.

(2) IZZY RE HOLDINGS LLC – 93 DUNE ROAD [SCTM# 902-15-1-2]for variances to permit the alteration of two nonconforming single family dwellings on a parcel with two dwellings identified as “A” and “B” as follows: (1) §196-3D and §196-7C in order to permit the alteration of a 1,196 sq.ft. one-story dwelling with front entry with arbor and rear deck identified as Dwelling “A” by lifting the existing dwelling with a first floor elevation of 5.0' to conform to current FEMA regulations with a first floor elevation of 10.0' with reconstruction of a rear elevated deck, new elevated front entry steps with landing, and air conditioning platform; (2) §196-47 and §196-48 to permit Dwelling A to be raised to a height at elevation 25.15' where the maximum height permitted is at elevation 20.25' in the required front yard; (3) §196-12B (Table of Dimensional Regulations) to permit the new elevated covered front entry porch for Dwelling A with a front yard setback measured from Dune Road of 37.6' where 40' is required; (4) §196-13E to permit the Dwelling A to have a setback measured from the existing bulkhead and boat slip of 48.8' where 50' is required; (5) §196-13E to permit the new rear elevated deck attached to the elevated Dwelling A to have a setback measured from the existing bulkhead and boat slip of 36.7' where 50' is required; (6) §196-3D and §196-7C in order to permit the alteration of a 953 sq.ft. one-story dwelling with front entry porch and rear deck identified as Dwelling “B” by lifting the existing dwelling with a first floor elevation of 5.0' to conform to current FEMA regulations with a first floor elevation of 11.0' with reconstruction of a rear elevated deck, new elevated front entry steps with landing and air conditioning platform; (7) §196-47 and §196-48 to permit Dwelling A to be raised to a height at elevation 24.9' where the maximum height permitted is at elevation 20.25' in the required side and rear yards; (8) §196-12A (Table of Dimensional Regulations) to permit the elevated Dwelling B to have a rear yard setback measured from the northerly property line along the Quogue Canal of 42.3' where 50' is required; (9) §196-13E to permit the elevated Dwelling B to have a setback measured from the existing bulkhead and boat slip of 20.9' where 50' is required; (10) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck attached to the elevated Dwelling B to have a rear yard setback measured from the northerly property line along the Quogue Canal of 27.1' where 50' is required; (11) §196-13E to permit the new rear elevated deck attached to

the elevated Dwelling B to have a setback measured from the existing bulkhead and boat slip of 24.3' where 50' is required; (11) §196-12A (Table of Dimensional Regulations) to permit the elevated Dwelling B to have a side yard setback from the easterly property line of 1.6' where 25' is required; (12) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck attached to the elevated Dwelling B to have a side yard setback from the easterly property line of 3.9' where 25' is required; (13) §196-12A (Table of Dimensional Regulations) to permit a new elevated air conditioning platform on the southeasterly side of elevated Dwelling B to have a side yard setback from the easterly property line 5.8' where 25' is required; (14) §196-12A (Table of Dimensional Regulations) to permit a new elevated front entry steps with landing on the southeasterly side of elevated Dwelling B to have a side yard setback from the easterly property line 5.3' where 25' is required; and (15) all other necessary relief as set forth on survey, plans and specifications submitted with the application, on a nonconforming 27,245 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 820' west of Post Lane in the A-2 Residence District.

(3) ARI RE HOLDINGS LLC at 95 & 97 DUNE ROAD [SCTM# 902-15-1-3 & 4] for variances to permit the alteration of a nonconforming single family dwellings as follows: (1) §196-3D and §196-7C in order to permit the alteration of a 2,831 sq.ft. two-story dwelling with attached garage, front covered porch, side deck and rear deck by lifting the existing dwelling (except small storage area to be partitioned on southeasterly portion) with a first floor elevation of 5.0' to conform to current FEMA regulations with a first floor elevation of 11.0' with reconstruction of a rear elevated deck, elevation of the front covered porch, removal of the westerly side deck and reconstruction a new elevated rear deck; (2) §196-47 and §196-48 to permit the dwelling to be raised to a height at elevation 34.7' where the maximum height permitted is at elevation 20.7' in the required side and rear yards; (3) §196-12A (Table of Dimensional Regulations) to permit the elevated dwelling to have a rear yard setback measured from the northerly property line along the Quogue Canal of 31.2' where 50' is required; (4) §196-13E to permit the elevated dwelling to have a setback measured from the existing bulkhead and boat slip of 8.4' where 50' is required; (5) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck to have a rear yard setback measured from the northerly property line along the Quogue Canal of 24.3' where 50' is required; (6) §196-13E to permit the new rear elevated deck to have a setback measured from the existing bulkhead and boat slip of 16.5' where 50' is required; (7) §196-12A (Table of Dimensional Regulations) to permit the elevated dwelling to have side yard setbacks from the easterly and westerly property lines of 1.6' and 22', respectively, where 25' is required; (8) §196-12A (Table of Dimensional Regulations) to permit the elevated dwelling to have a total side yard 23.6' where 60' is required; (9) §196-12A (Table of Dimensional Regulations) to permit the new rear elevated deck to have a side yard setback from the easterly property line of 13.4' where 25' is required; and (10) all other necessary relief as set forth on survey, plans and specifications submitted with the application, on a nonconforming 18,282 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 745' west of Post Lane in the A-2 Residence District.

Attorney Kittric Motz, Engineer Jeff Butler and property owner Mr. Polkes were present at the meeting. Ms. Motz said that 91 Dune Road is non-conforming, pre-existing, and has had previous variances granted. She noted that the three properties are held as single and separate, but they have common ownership. Ms. Motz explained that the front house is the owner's primary residence, and all of the structures have been issued an updated CO. She continued that House A is not being lifted, but is being altered to reduce lot coverage on the property as a whole, and to increase setbacks. Ms. Motz said that House B is proposed to be lifted and shifted back 11.8 feet, and have an elevated deck added. Mr. Peiffer asked why House A is not being lifted. Mr. Butler explained that House A may not be able to withstand being lifted, but is getting a new sanitary system, while House B will be easily lifted. Mr. Butler said that the frequent flooding on the property has triggered this application in order to preserve these structures. He added that some of the structures still need to be repaired after the last round of flooding. Ms. Motz said that lot coverage on this property is proposed to be reduced to 22.9% from 23.7%, and new sanitary systems will be added.

Ms. Motz said the other properties do not have a lot coverage issue. She said at 93 Dune Road, they are proposing to lift House A in place, and reconstruct the existing deck as an elevated deck with new steps, and a new porch with steps and landing. Ms. Motz said they would also lift the AC units in place. She continued that House B is also being proposed to be lifted and improved. She noted that these structures all have been issued an updated CO, and that the lot coverage is being reduced from 16.7% to 15.62%, and no relief is needed. Mr. Bruyn asked if any of these proposals have been approved by the DEC or the Health Department. Ms. Motz said that they have a non-jurisdictional letter from the DEC, and will submit it to the Board. Mr. Butler said there has been a preliminary review from the Health Department. He added that the septic system will allow House B to be relocated a little bit with no additional relief needed. Mr. Nowak asked if they could find out if the garage is FEMA compliant.

Ms. Motz said that 95 and 97 Dune Road has an updated CO, and has no lot coverage issues. They are proposing a lift in place, to maintain the residences in their current locations, and reconstruct an existing deck as an elevated deck. Ms. Motz noted that Mr. Nowak had suggested not lifting the garage, and they have resubmitted the amended plans. Ms. Motz said that 95 Dune Rd is just a boat slip lot. Mr. Bruyn said that these two lots should be merged.

Mr. Tolley said they will start by addressing these lots all together. He said that this project will reduce the non-conformities on the properties. Mr. Bruyn asked if there were existing covenants. Ms. Motz said there is a covenant on 91 Dune Rd, which was a condition of a variance granted in 1992, pertaining to the use of the guest house. Mr. Bruyn asked for either a recorded copy of the covenant or one can be added as condition to the current request. Mr. Bruyn said that he has a copy of a recorded covenant for 93 Dune Rd. Mr. Tolley asked if anyone would like to be heard. No one came forward, and Mr. Tolley asked for motions to grant the requested variances with conditions.

MR. RYAN MADE A MOTION TO GRANT THE FOLLOWING RESOLUTION PERTAINING TO 91 DUNE ROAD, AND MR. PEIFFER SECONDED THE MOTION. THE RESOLUTION WAS UNANIMOUSLY GRANTED.

RESOLVED, that the Application of **LOLA RE HOLDINGS LLC** for variances to permit the alteration of two nonconforming single family dwellings (one considered to be a guest house) on a parcel with two dwellings as further described in the application and legal notice, and as set forth on survey, plans and specifications submitted with the application, on a nonconforming 26,081 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 960' west of Post Lane in the A-2 Residence District known as 91 Dune Road and designated as SCTM# 0902-015.00-01.00-001.000, BE AND ARE HEREBY GRANTED, WITH THE FOLLOWING CONDITION:

(1) Prior to the issuance of a Building Permit, the applicant shall submit proof of the recording of the Declaration of Covenants and Restrictions satisfying the conditions of the prior variances granted by this Board by decision, dated October 4, 2022, or in the event said Declaration was not recorded, then submission of a Declaration of Covenants satisfying said conditions, executed by the current owner, in a form satisfactory to the Village Attorney, and recording of same in the Office of the Suffolk County Clerk.

MR. JUDGE MADE A MOTION TO GRANT THE FOLLOWING RESOLUTION PERTAINING TO 93 DUNE ROAD, AND MS. CHEPIGA SECONDED THE MOTION. THE RESOLUTION WAS UNANIMOUSLY GRANTED.

RESOLVED, that the Application of **IZZY RE HOLDINGS LLC** for variances to permit the alteration of two nonconforming single family dwellings on a parcel with two dwellings as further described in the application and legal notice, and as set forth on survey, plans and specifications submitted with the application, on a nonconforming 27,245 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 820' west of Post Lane in the A-2 Residence District known as 93 Dune Road and designated as SCTM# 0902-015.00-01.00-002.000, BE AND ARE HEREBY GRANTED.

MR. RYAN MADE A MOTION TO GRANT THE FOLLOWING RESOLUTION PERTAINING TO 95 AND 97 DUNE ROAD, AND MS. CHEPIGA SECONDED THE MOTION. THE RESOLUTION WAS UNANIMOUSLY GRANTED.

RESOLVED, that the Application of **ARI RE HOLDINGS LLC** for variances to permit the alteration of a nonconforming single family dwellings on a parcel as further described in the application and legal notice, and as set forth on survey, plans and specifications submitted with the application, on a nonconforming 18,282 sq.ft. parcel of land located on the southerly side of the Quogue Canal, northerly side of Dune Road, approximately 745' west of Post Lane in the A-2 Residence District known as 95 & 97 Dune Road and designated as SCTM# 0902-015.00-01.00-003.000 & 004.000, BE AND ARE HEREBY GRANTED, WITH THE FOLLOWING CONDITION:

(1) Prior to the issuance of a Building Permit, the applicant shall submit proof that the two tax lots have been merged.

Denise Michalowski
Deputy Village Clerk

Date