

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY JANUARY 8, 2025
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, Alternate Member Richard Langan, Jr.

Member present by ZOOM: Geoff Judge

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

Others present by ZOOM: Joan McGivern, Chester Murray, Lisa Detwiler, Sy Cohen, Jennifer Coster

1. Ms. Chepiga took a roll call, and then set the date of the next meeting to Wednesday, February 19, 2025 at 3 pm. She then asked for a motion to approve the minutes of the December 4, 2024 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 4, 2024 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter to be heard today was the application of **33 OGDEN LANE LLC at 33 OGDEN LANE [SCTM# 902-14-1-44]** for necessary variances from the provisions of: (1) §196-12A (Table of Dimensional Regulations) in order to permit a 14' by 23.8' patio with a retractable awning to have a setback measured from the existing bulkhead along the Quogue Canal of 44.7' where 50' is required; and (2) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a nonconforming, 43,186 sq.ft. parcel of land located on the northerly side the Quogue Canal, southerly side of Ogden Lane in the A-3 Residence District.

Attorney Kittric Motz was present at the meeting, property owner Lisa Detwiler was present on the ZOOM call. Ms. Motz reviewed the application and noted that the proposed awning is retractable and will fit over the proposed patio. Ms. Motz handed out additional information regarding the awning to the Board. Ms. Chepiga asked if a survey had been submitted. Ms. Motz said a survey with existing conditions has been submitted along with a copy of the survey with the proposed improvements drawn including dimensions. Mr. Tolley confirmed that lot coverage will be conforming. Mr. Bruyn said that a survey must be submitted to the Building

Department showing that the structures are within the requested setbacks. Ms. Chepiga asked for a motion to approve the requested variance conditioned upon the submittal of the requested survey.

MR. TOLLEY MADE A MOTION TO CONDITIONALLY 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 **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.

Owner Jennifer Coster was present on the ZOOM call. Ms. Coster explained that this application is being resubmitted after moving the house two and a half feet closer to Dune Road, as had been requested by their neighbor Mr. Cohen. Ms. Coster said that a summary of the requested variances and a new site plan have been submitted. Ms. Chepiga said they have just received the summary today and will have to review it. Mr. Cohen was present on the Zoom call. He expressed that he had requested that the house be moved five feet closer to Dune Road, and to have the front porch eliminated. Mr. Cohen said he is not in favor of what is being proposed currently. Ms. Coster said that the house cannot be moved any further south with the

currently proposed septic system. She added that they have decreased the size of the house and therefore have a smaller septic system proposed. Mr. Cohen said that at the last Board meeting it was suggested to rotate the angle of the house so as not to block Mr. Cohen's view as much. Ms. Chepiga said the Board will review the materials that were received today. Ms. Coster said the only change that has been made is that the house has been moved two and half feet closer to Dune Road. Mr. Tolley asked if a new survey has been submitted. Ms. Coster said that they have submitted a new site plan from both the Architect and the Engineer. Mr. Nowak asked if the wall and the footings for the septic system remain on the property, or do they encroach into the Village right of way. Mr. Nowak added that the encroachment would not be permitted, and this information needs to be confirmed. Ms. Chepiga asked if anyone would like to be heard from the Board or the public. Hearing no answer, she asked for a motion to adjourn this matter to the February meeting.

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

4. The last 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 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.

Ms. Chepiga said that the Board has received and reviewed a letter from neighbors Chester and Christy Murray, and also the response from attorney Kittric Motz. Mr. and Mrs. Murray were present on the ZOOM call and said they had nothing further to add. Ms. Motz was present at the meeting and said that the Murrays have said in their letter that none of their other hedges were having any problems, when in fact there are other areas on the property where the hedges are struggling. These other areas are not near the fence or the berm. Ms. Murray said there are four privet that are in poor health because they were lower than the rest of the hedge. She said they were raised about a year ago and are still acclimating. Ms. Murray said the other privets are at the front of the driveway where the ground had been compacted because of the construction. She added that these trees were also dug up and replanted are also still acclimating. Ms. Chepiga

said if no one else would like to be heard, the record will be closed and this matter adjourned for written decision.

5. Ms. Chepiga asked if Ms. Motz is no longer the Attorney on the 39 Dune Road application, and if so, has all the appropriate paperwork been filed. Ms. Motz confirmed this and said that an email has been sent, but she will submit a formal letter for the record.

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

Denise Michalowski
Deputy Village Clerk

Date