

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY FEBRUARY 19, 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, Joe Yacobellis, John Armentano, Soloman Cohen, Robert Kelly, Nick Messina, Joan McGivern, Jamie & Mark Stevens, Ann Griffith O’Connor, Eleanore Montefusco, Aaron & Marjorie Slonim, Aram Terchunian

Others present by ZOOM: Lester Levy

1. Ms. Chepiga took a roll call, and then set the date of the next meeting to Wednesday, March 12, 2025 at 3 pm. She then asked for a motion to approve the minutes of the January 8, 2025 meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 8, 2025 MEETING. MR. TOLLEY SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter on the agenda was the amended 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, 3,221 sq.ft. dwelling with a covered front porch, elevated rear deck and roof overhangs/eaves with a front yard setback of 23.1’ measured from the street to the front porch, 25.1’ to the covered entry, 26.2’ to the eaves and 28.0’ from the dwelling wall 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 10.3’ to the eaves and 11.8’ 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 56.6’ measured from eaves on the easterly side of the dwelling and the attached elevated air conditioning units on the west side 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 41.7’ to the eaves and 43.4’ from the dwelling wall where 50’ is required; (5) §196-13E to permit a 12’ wide elevated rear deck to have a setback

measured from the existing bulkhead along the Quogue Canal of 31.4' and from the boat slip of 9.2' where 50' is required; (6) §196-13E to permit the new dwelling to have a setback measured from the bulkhead and boat slip of 17.5' from the eaves and 19.6' from the dwelling wall and 17.5' from the steps attached to the dwelling 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.

The applicant was not present at either the meeting or the ZOOM call. Attorney Joan McGivern, representing neighbor Soloman Cohen, asked to speak, and added that she has submitted a letter of opposition. Ms. McGivern said that Mr. Cohen is still opposed to the proposed setbacks of this application. She said that the house could be relocated five feet closer to Dune Road by aligning the house with the road or eliminating the porch. Ms. Chepiga asked if anyone else would like to be heard. Hearing nothing, she closed the record for decision at the next meeting.

3. The next matter on the agenda was the application of **210 DUNE ROAD LLC – 210 DUNE ROAD [SCTM# 902-16-3-17]** for variances to permit the alteration of a nonconforming single family dwellings on a parcel with two dwellings as follows: (1) §196-3D and §196-7B in order to permit the alteration of a 4,138 sq.ft. one-story dwelling and a 1,037 sq.ft. addition; (2) §196-2 (Definition of Single-Family Dwelling) in order the addition to be connected to the existing dwelling with a conditioned hallway in length that is more than two times the width of the hallway; (3) §196-12B (Table of Dimensional Regulations) to permit the proposed alterations and addition to the dwelling 70.3' south or seaward of the toe of the dune where all structures are required to be 25' north or landward of the toe of the dune; (4) §196-12B (Table of Dimensional Regulations) to permit the proposed elevated deck 72.6' south or seaward of the toe of the dune where all structures are required to be 25' north or landward of the toe of the dune; §80-3 (Definition of Major Addition) in order to verify and determine that the proposed alterations and addition together with all prior additions do not constitute a major addition; (5) §80-10B(1)(g), (h) and/or (i) in order to permit the proposed alterations and addition to be constructed in the primary dune area 111.9' feet south of the CEHA line; (6) (5) §80-10B(1)(g), (h) and/or (i) in order to permit the proposed elevated deck to be constructed in the primary dune area 116.3' feet south of the CEHA line; and (7) all other necessary relief as set forth on survey, plans and specifications submitted with the application, on a 132,241 sq.ft. parcel of land located on the southerly side of Dune Road, approximately 1,690' west of the Village Town line in the A-1 Residence District.

Attorney Kittric Motz, the property owners, and both the Architect and the Environmental Consultant were present for this application. Ms. Motz reviewed the application and said they are proposing to build a new structure to add a new primary bedroom with a bathroom, and a small deck to the home. She explained that the house is entirely south of the coastal erosion line, and the applicants will need permission to add a new structure in this location. Ms. Motz added that the non-major addition is as of right, but the deck is not, but it will not extend any closer seaward than the house location. Ms. Motz continued that an area variance is needed for the hallway, because it is longer than it is two times wide. She said that to widen the hallway would only be adding useless lot coverage, would not serve any purpose, and would actually disqualify them for the as of right for the non-major addition. Architect Joe Yacobellis, of Mojo Stumer Associates spoke next. Mr. Yacobellis said that the existing first floor is at approximately elevation 18.9, which is roughly four feet above the flood zone, and the proposed addition will be approximately six feet raised above the height of the existing first floor. He explained that the reason for this is that this western part of the property topography rises naturally to elevation 23. Mr. Yacobellis said that there are two small sets of steps in the hallway, and that they will be seven feet above the flood zone and will be well above the required freeboard. He added that there will not be any removal of soil in the coastal erosion area as part of this process. Environmental Consultant Aram Terchunian of First Coastal Corp. spoke next. Mr. Terchunian said that he has inspected the site, and in the area where the addition is proposed the prominent vegetation is dead non-native Japanese Black Pine, native American Beach grass, and native Bayberry bushes. Ms. Chepiga asked if there is a picture of what the proposed finished project would look like. Ms. Motz said the elevations are not complete, and the design would have to be approved by the Design Review Board. Mr. Tolley asked if the applicants have considered constructing the addition on the area north of the coastal erosion line, as this lot is three acres, or even knocking the house down and rebuilding. Ms. Motz said this is the only functional way to attach the structure to the house, and the applicant has not discussed demolishing the house. Ms. Chepiga said that the non-major addition is allowed, but the hallway as proposed needs a variance, and the hallway is necessary because a free standing structure is not allowed under the Code. Ms. Chepiga added that alternatives are not addressed, and should be. Mr. Peiffer added that only the minimum relief can be granted. Mr. Bruyn asked when the existing dwelling was built. Ms. Motz said that a building permit was issued for the home of 4,148 square feet in 1947, and a kitchen was added in 2014 of 136 square feet. She continued that an updated CO was issued for all of the existing structures. Mr. Bruyn said a non-major addition can be no more than 25% of the ground floor area, and wants to confirm that they are within the scope. Ms. Motz said that a pool, spa, deck and outdoor shower renovation was granted a variance in October of 2014, and built in 2016. She added that these structures were constructed north of the coastal erosion line. Mr. Bruyn said that the Board needs to be shown that no reasonable alternatives exist. Ms. Chepiga added that the matter of this being the minimum necessary variance to overcome practical difficulty must also be shown as is listed in the criteria for granting CEHA variances. Mr. Yacobellis said that in order to build the addition north of the coastal erosion line, an even longer hallway and more substantial variance request would be necessary. He added that the hallway would have to be fifty or sixty feet long and it would not be functional. Mr. Tolley said alternatives should be looked at to get at least north of the toe of

the dune. Ms. Chepiga said that the issue of the coastal erosion line and the toe of dune is a much more important issue than the visual outcome of the project. Mr. Tolley said the other newer structures were built north of the hazard line, and efforts should be made to explore alternatives. Ms. Motz said that having segregated bedroom quarters are not practical. Mr. Yacobellis said that the longer hallway would greatly segregate the bedroom, and the result would be that the structure would be sunken behind the dune and would have no views or exposure due to the natural topography. Attorney Joan McGivern, representing the neighbor at 212 Dune Road, asked to speak next. Ms. McGivern said that Mr. & Mrs. Khubani, the neighbors to the east side of 210 Dune Road, vehemently oppose this application. Ms. Chepiga asked if anyone else would like to be heard. No one came forward, and Ms. Motz asked for this matter to be adjourned to the next meeting.

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

4. The next matter to be heard today was the application of **MARK STEVENS at 105 DUNE ROAD [SCTM# 902-15-1-7]** for necessary variances from the provisions of: (1) §196-13E in order to permit the construction of an approximately 5.3' wide extension to an existing elevated deck on the rear (northerly) side of an existing dwelling with a setback measured from the existing boat slip of 24.8' where 50' is required; (6) §196-13E in order to permit the construction of an approximately 5.3' by 22' extension to an existing elevated deck on the rear (northerly) side of an existing dwelling with a setback measured from the existing boat slip of 24.8' where 50' is required; (2) §196-13E in order to permit the construction of an approximately 9.8' by 22' deck adjacent to the existing swimming pool deck on the rear (northerly) side of an existing dwelling with a setback measured from the existing boat slip of 16.8' where 50' is required; and (3) all other necessary relief as set forth on the survey, plans and specifications submitted with the application, on a nonconforming 23,994 sq.ft. parcel of land located on the northerly side of Dune Road, approximately 445' west of Post Lane in the A-2 Residence District.

Landscape Architect Eleanor Montefusco was present at the meeting representing the applicant. She reviewed the application to build an extension of 270 square feet to the existing wood deck at the first floor and pool level. Ms. Montefusco said that this property has been in the family since the house was built in 1969, and the pool and decks were built in the 1980s. She said they have recently completed a project to decrease the size of the existing bulkhead, and in the process have removed some decking. Ms. Montefusco added that this project has significantly eliminated a portion of the boat slips and they have been filled in. The deck extension will be used for a dining area, and for seating by the pool, and this is the only area that this project can be constructed functionally. Mr. Tolley asked if any neighbors had comments regarding this project. Ms. Montefusco said they have contacted the neighbors and she has emails of support from both neighbors that she can submit to the Board. Mr. Peiffer said that as they are proposing

to go to the maximum lot coverage, they should be mindful as the Board would not be sympathetic to any errors causing overages in lot coverage. Ms. Montefusco said they will be double checking measurements and walkways. Mr. Bruyn asked if the plans have the dimensions of the proposed decks, as it is not listed on the latest survey. Ms. Montefusco said they are listed on the plans and will confirm with the Building Inspector. Ms. Chepiga asked for a motion grant the application conditionally.

MR. PEIFFER MADE A MOTION TO GRANT THE REQUESTED VARIANCE SUBJECT TO THE SUBMISSION OF EMAILS OF SUPPORT FROM THE NEIGHBORS AS REPRESENTED BY THE APPLICANT. MR. RYAN SECONDED THE MOTION AND THE MOTION WAS UNANIMOUSLY GRANTED.

5. The next matter on the agenda today was the application of **ANN GRIFFITH O’CONNOR, TRUSTEE OF THE 34 SECOND LANE TRUST** (adjoining neighbor) appealing the Building Inspector’s issuance of a Certificate of Compliance # 2233, dated November 7, 2024, issued to Second Neck Summers, LLC for a “Bay access Walkway with kayak rack. 608’ To terminate before high water mark” to confirm the completeness and closure of the Board of Trustee approval issued July 19, 2024, on a 133,495 sq.ft. parcel of land located on the northerly side of Second Neck Lane, approximately 960’ east of Second Neck Court in the A-2 Residence District known as **36 SECOND NECK LANE and designated as SCTM# 0902-006.00-02.00-002.083.**

Attorney John Armentano was present for the applicant. Mr. Armentano said that he would like to request that this matter be adjourned, as the two parties are working toward a resolution. He said that one of the resolutions would be the removal of the second level kayak storage rack. Attorney Robert Kelly was present for the property owner. He agreed to the adjournment for negotiation purposes. Mr. Kelly submitted a survey showing that the setback on the north side of the walkway from the water is in compliance with Village Code. Ms. Chepiga asked if anyone else would like to be heard. No one came forward, and she asked for a motion to adjourn this application.

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

6. The last matter on the agenda today 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 confirmed that a request has been received from the applicant withdrawing this application.

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

Denise Michalowski
Deputy Village Clerk

Date